



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 7:01pm. Following the roll call by the City Clerk, a quorum was present.

2. Invocation

Minutes:

The invocation was rendered by Pastor Warren L. Henry, Sr.

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

Motion (Approve as Amended): Councilmember khalid

Second: Councilmember Jackson

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A correction was made to the Tuesday, August 28, 2018 Regular Meeting Minutes . Res2018-047, Election Day as a Holiday; the vote of 4-3-0 should be changed to 6-1-0, as noted by Councilmember khalid and the Communications team.

A motion was made to approve the Consent Agenda, as amended. The motion passed unanimously.

- a. Meeting Minutes - Tuesday, August 28, 2018, Work Session and Regular Meeting.
- b. Meeting Minutes - Friday and Saturday, August 24-25, 2018, Special Called Meeting (Strategic Planning).
- c. Proclamation - Rev. Paul H. Easley, Sr. Appreciation Day, Friday, September 7, 2018. **(Edwards)**

5. Approval of the Regular Meeting Agenda

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

Councilmember Willis requested to add Ord2018-039, Hotel and Motel Taxation to the Regular Meeting Agenda.

A motion was made to approve the Regular Meeting Agenda, as amended. The motion passed unanimously.

6. Public Comment

- a. Public Comment on City related matters.

Minutes:

- **Mr. Anthony B. Williams, District 1 - concerned with the relationship between the YAAs and Parks and Recreation. He would like Council to consider**

amending the current Ordinance relating to CivicRec.

- **Mr. Clifton Rainey, District 2 - Walden Park HOA VP, invited the Mayor and City Manager to the Community Day event on September 29th and invited the 1st Responders who will receive their invitations from the President.**
 - **Ms. April Rogerson, District 3 - concerned with the truck ordinance. For residents, it is a hazard issue and a property value issue. Residents do not want trucks coming down our streets.**
 - **Ms. Edwina D. Dixon, District 2 - concerned with our youth and crime in the City. Since youth use so many park facilities you should use parks and recreation monies for programs to keep them away from crime.**
 - **Mr. Emmanuel Rainey and Mr. Kevin Smith - Old National Merchants Association Board Members. Announced this Saturday, September 15th, they will have the Old National 5K Run/Walk and invited all to attend.**
 - **Ms. Glenda Collins, District 5 - concerned with budget and fund balance percentage. New website is difficult to follow. She thanked the staff for all the help and information to get citizens to the meetings.**
 - **Ms. Debra Bonaparte, District 6 - previously asked about the loss of green space and has not heard from anyone. She thinks wildlife and wetlands are an attraction to the area. She gave her phone number for anyone/someone to contact her.**
-

b. Public Hearing on Budget

Minutes:

The Mayor opened the floor for the Budget hearing.

There were no comments regarding the Budget.

c. Public Hearing on Alcohol License - Harold's Chicken and Ice Bar.

Motion (Approve): Mayor Pro Tem Baker

Second: Councilmember Jackson

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff gave a description of Harold's Chicken and Ice Bar located at 5495 Old National Highway and their recommendation for approval of an alcohol license.

the Mayor opened the public hearing.

Ms. Terrin Rutherford, Owner, spoke and asked for approval. She indicated they will support the community. The opening is on September 25, 2018 and all are invited.

A motion was made to approve the alcohol license for Harold's Chicken and Ice Bar. The motion passed unanimously.

7. Business

a. Resolutions

- i. ~~Resolution to adopt the City of South Fulton Fiscal Year 2019 Final Budget. Adopting the several items of revenue anticipations and appropriating the amounts showing in each fund as expenditures. Prohibiting expenditures or expenses from exceeding the actual funding available. (Res2018-058)~~

Motion (Approve): Councilmember Gilyard

Second: Councilmember Willis

[Motion Passed]

Yea: 6 Baker, Gilyard, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 1 Gumbs

Not Voting: 0

Minutes:

The City Manager announced that under the advisement of the CFO, they would like to move the FY2019 Resolution to the September 18, 2018 meeting.

CFO Mr. Milazi gave a presentation which included an overview of the FY2019 Budget. He indicated a more in depth presentation will be presented during the budget meeting, followed by comments and discussion from the Mayor and City Council.

The City Manager suggested a polling of Council to determine the date and time of the budget meeting, no later than September 19, 2018.

A motion was made to approve the FY2019 Budget meeting, for no later than September 19, 2018, pending polling results, and move up the Regularly scheduled meeting on Tuesday, September 25, 2018 to Monday, September 24, 2018, in order to accomodate Council's participating in training. The motion passed, 6-1-0.

b. Ordinances

- i. **[SECOND READING]** Ordinance amending Title 12, Licenses, Permits and Business Regulations, of the City Code of Ordinances to discourage human trafficking, preserve the health and welfare of the City and for other lawful purposes. **(Willis - Ord2018-034)**

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

Councilmember Willis informed Council there was no fiscal impact for this Ordinance.

A motion was made to approve Ord2018-034 (Human Trafficking). The motion passed unanimously.

ii. **[SECOND READING, first reading heard on September 7, 2018]**

Ordinance providing procurement policies and for other lawful purposes. **(Willis and Jackson - Ord2018-037)**

Motion (Approve): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

Yea: 4 Gilyard, Jackson, Rowell, Willis
Nay: 3 Baker, Gumbs, khalid
Abstain: 0
Not Voting: 0

Minutes:

Councilmember khalid would like Council to consider not voting in favor of this Ordinance, since there is an Emergency Ordinance in place now, and would allow time for more information.

A motion was made to approve Ord2018-037 (Procurement Policies). The motion passed, 4-3-0.

iii. **[SECOND READING, first reading heard on September 7, 2018]**

Ordinance amending the City of South Fulton Truck Routes Ordinance in Chapter 2 of Title 8 of the City of South Fulton Code of Ordinances. **(Res2018-038)**

Motion (Deny): Councilmember Jackson

Second: Councilmember Gilyard

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

a. The City Attorney clarified the current version which includes the eight concessions agreed to by the City, pursuant to the meeting with FID representatives and Fulton County. The Attorney indicated that she gave them a spread sheet outlining four additional restrictions that Council could consider for inclusion, based on a meeting held with developers from Union City and East Point.

A motion was made to deny the request to lift the restriction of Flat Shoals from Buffington Road to the Body of Christ. The motion passed unanimously.

Motion (Deny): Councilmember Jackson

Second: Councilmember Gumbs

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

b. A motion was made to deny the request to lift the restriction of Buffington Road to north of Flat Shoals Road to the industrial building, several hundred feet up on Buffington Road. The motion passed unanimously.

Motion (Approve): Councilmember Gilyard

Second: Councilmember khalid

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

c. A motion was made to lift the restriction partially along Derrick Road to where Union City ends on the left side of Derrick Road.

Councilmember Gilyard specified that it is just from South Fulton Parkway to where the warehouse ends and with signage to clearly delineate it.

Motion (Approve): Councilmember Gilyard

Second: Councilmember khalid

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

d. A motion was made to lift the restriction along Cedar Grove Road turning off

South Fulton Parkway up to Jones Road (300 ft passed Jones Road). The portion that is restricted has Union City on both sides of the Road; at a minimum lifting the restrictions where Union City has jurisdictions on both sides of the Road, with signage for that space indicating what part belongs to the City of South Fulton and what part belongs to Union City.

Motion (Approve as Amended): Councilmember Willis
Second: Councilmember Jackson
[Motion Passed]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, Rowell, Willis
Nay: 1 khalid
Abstain: 0
Not Voting: 0

Minutes:

e. A motion was made to approve as amended Ord2018-038 (revised Truck Routes Ordinance), with all preceding amendments (letter c & d). The motion passed, 6-1-0.

iv. [ADD-ON] Res2018-039 Hotel and Motel Taxation

Motion (Approve): Councilmember Willis
Second: Councilmember Jackson
[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve Ord2018-039 (Hotel and Motel Taxation at 5%). The motion passed unanimously.

8. Action Items

- a. Resolution to authorize the use of eminent domain to acquire real property interests necessary to complete the Enon Road sidewalk project ~~T-268~~ and Danforth Road sidewalk projects, to authorize the County Attorney to condemn said property interests, where necessary; to authorize the County Attorney to approve any necessary documents as to form and substance and make any necessary modifications thereof to protect the interest of the County, prior to execution.

Motion (Authorize): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Passed]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, Rowell, Willis
Nay: 1 khalid

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to authorize the use of eminent domain to complete sidewalk projects at Enon Road and Danforth Road. The motion passed, 6-1-0.

- b. Resolution to authorize the Mayor to execute the Memorandum of Agreement (MOA) between the Atlanta Regional Commission (ARC) and the City of South Fulton for the update of the South Fulton Comprehensive Transportation Plan (SFCTP).

Motion (Authorize): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to authorize the Mayor to execute an MOA with Atlanta Regional Commission (ARC) to develop the SFCTP. The motion passed unanimously.

- c. 2018 Audit Contract Approval - Finance

Motion (Approve): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the renewal of the 2018 Audit Contract. The motion passed unanimously.

9. City Manager's Report

Minutes:

The City Manager began his report by announcing Mayor Edward's appointment as liaison to the Region 8 Transportation Authority of the ATL legislation and acknowledged Councilmembers Rowell and Gumbs being recognized in the recent issue of Who's Who's in Black Atlanta.

The City Manager proceeded with the Public Works proposed service model

presentation.

Topics included the following:

- grounds maintenance
- road & sidewalk maintenance
- solid waste management
- facilities maintenance
- fleet maintenance
- street sign & lighting
- storm water management
- water treatment

There followed discussion on the model, the transition of public works, and wages for the employees transitioning.

10. City Attorney's Report

Minutes:

The City Attorney requested a recess for executive session to discuss personnel.

11. Mayor and City Council Comments (Two minutes each)

Minutes:

Councilmembers gave information regarding their respective Districts including Councilmember Gumbs acknowledging the City Manager being recognized in the recent issue of Who's Who's in Black Atlanta.

12. Executive Session (CLOSED), if necessary

Motion (Recess): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Passed]

Yea: 7 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to recess for executive session to discuss personnel. The motion passed unanimously.

13. Adjournment

Motion (Adjourn): Councilmember Rowell

Second: Councilmember khalid

[Motion Passed]

Yea: 4 Baker, khalid , Rowell, Willis

Nay: 0
Abstain: 0
Not Voting: 3 Gilyard, Gumbs, Jackson

Minutes:

The City Clerk announced there was no action taken during executive session.

The executive session began at 9:45pm and ended at 10:46pm.

A motion was made to close the executive session regarding personnel, and adjourn the regular meeting. The motion passed, 4-0-3.

The meeting was adjourned at 10:48pm.



Mark Massey, City Clerk

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE NO 2018-034**
6

7 **AN ORDINANCE AMENDING TITLE 12, LICENSES, PERMITS AND BUSINESS**
8 **REGULATIONS, OF THE CITY CODE OF ORDINANCES TO DISCOURAGE HUMAN**
9 **TRAFFICKING, PRESERVE THE HEALTH AND WELFARE OF THE CITY AND FOR**
10 **OTHER LAWFUL PURPOSES.**
11

12 **(Sponsored by Councilwoman Willis)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof ("City Council");
19

20 **WHEREAS**, O.C.G.A. § 16-5-47 requires the posting of model notices in certain
21 locations and establishments to enable persons who are subject of human trafficking to
22 obtain help and services;
23

24 **WHEREAS**, those locations and establishments specified in the law include adult
25 entertainment establishments, bars, and hotels, which may be inspected and regulated
26 for health, safety and other lawful purposes by the City;
27

28 **WHEREAS**, the failure of subject establishments to post the National Human
29 Trafficking Resource Center hotline number is a misdemeanor under O.C.G.A. § 16-5-
30 47, punishable by a fine of not more than \$500.00;
31

32 **WHEREAS**, the City Council is empowered by City Charter Section 1.12(13) "to
33 define, regulate, and prohibit any act, practice, conduct, or use of property which is
34 detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants
35 of the city and to provide for the enforcement of such standards;"
36

37 **WHEREAS**, the human trafficking creates conditions detrimental to the health
38 welfare and safety of the inhabitants of the City;
39

40 **WHEREAS**, City employees enter upon the premises of adult entertainment
41 establishments, bars, hotels, and restaurants from time to time in order to inspect
42 compliance with permitting and other City and regulatory requirements; and
43

44 **WHEREAS**, the City desires to safeguard and promote the public health, safety,
45 and general welfare of all citizens through the adoption of this Resolution.
46

47 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
48 **ORDAINS** as follows:

49
50 **Section 1:** The City of South Fulton Code of Ordinances, Title 12, Licenses,
51 Permits and Business Regulations, is hereby amended by creating a new Chapter 2,
52 Human Trafficking Notice Requirements, which shall read as follows:

53
54 **TITLE 12 – LICENSES, PERMITS AD BUSINESS REGULATIONS**

55
56 **CHAPTER 2 –HUMAN TRAFFICKING NOTICE REQUIREMENTS**

57
58 **Sec. 12-2001. Posting model notice to enable persons who are subject of human**
59 **trafficking to obtain health and services.**

60
61 (a) **Definitions.** As used in this Chapter section, the term:

62
63 (1) "Adult entertainment establishment" means any place of business or commercial
64 establishment wherein:

65
66 (A) The entertainment or activity therein consists of nude or substantially nude
67 persons dancing with or without music or engaged in movements of a sexual
68 nature or movements simulating sexual intercourse, oral copulation, sodomy,
69 or masturbation;

70
71 (B) The patron directly or indirectly is charged a fee or required to make a purchase
72 in order to view entertainment or activity which consists of persons exhibiting
73 or modeling lingerie or similar undergarments; or

74
75 (C) The patron directly or indirectly is charged a fee to engage in personal contact
76 by employees, devices, or equipment, or by personnel provided by the
77 establishment.

78
79 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,
80 and related or similar activities. Such term shall not include businesses or commercial
81 establishments which have as their sole purpose the improvement of health and physical
82 fitness through special equipment and facilities, rather than entertainment.

83
84 (2) "Agricultural products" means raising, growing, harvesting, or storing crops;
85 feeding, breeding, or managing livestock, equine, or poultry; producing or storing
86 feed for use in the production of livestock, including, but not limited to, cattle,
87 calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production
88 of poultry, including, but not limited to, chickens, hens, ratites, and turkeys;
89 producing plants, trees, Christmas trees, fowl, equine, or animals; or producing

aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products.

(3) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(4) "Day hauler" means any person who is employed by a farm labor contractor to transport, or who for a fee transports, by motor vehicle, workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person; provided, however, that such term shall not include a person who produces agricultural products.

(5) "Farm labor contractor" means any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such persons; provided, however, that such term shall not include a person who produces agricultural products.

(6) "Government building with public access" means a building or portion of a building owned or leased by the City.

(7) "Hotel" means any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.

(8) "Food service establishment" means any public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever named called, except those food service establishments that do not offer public restroom facilities shall be exempt from this Chapter.

(9) "Massage therapist" means a person licensed pursuant to Chapter 24A of Title 43 of the Official Code of Georgia.

(10) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. Section 47102(16).

(11) "Substantially nude" means dressed in a manner so as to display any portion of the female breast below the top of the areola or displaying any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(12) "Truck stop" means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.

(b) **Businesses Required to Post Notice.** The following businesses and other establishments shall post the notice described in subsection (c) of this Chapter, or a substantially similar notice, in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation, in each public restroom for the business or establishment and either in a conspicuous place near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

(1) Adult entertainment establishments;

(2) Bars;

(3) Primary airports;

(4) Passenger rail or light rail stations;

(5) Bus stations;

(6) Truck stops;

(7) Emergency rooms with general acute care hospitals;

(8) Urgent care centers;

(9) Farm labor contractors and day haulers;

(10) Privately operated job recruitment centers;

(11) Safety rest areas located along interstate highways in this City;

(12) Hotels;

(13) Food service establishments;

(14) Businesses and establishments that offer massage or bodywork services by a person who is not a massage therapist; and

(15) Government buildings; provided, however, that in the case of leased property, this paragraph shall only apply to public restrooms that are a part of such lease for exclusive use by the City.

(c) The model notice shall be downloaded from the Georgia Bureau of Investigation's Internet website. Such notice shall be at least 8 ½ inches by 11 inches in size and

174 printed in a 16 point font in English, Spanish, and any other language that has been
175 deemed appropriate by the director of the Georgia Bureau of Investigation. Such
176 model notice shall provide information giving individuals a method to contact the
177 National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic
178 Minor Trafficking.
179

180 (d) (1) A law enforcement officer shall notify, in writing, any business or establishment
181 that has failed to comply with this Chapter that it has failed to comply with the
182 requirements of this Chapter and if it does not correct the violation within 30 days from
183 the date of receipt of the notice, the owner of such business or establishment shall be
184 charged with a violation of this Chapter and may be punished by a fine of not more
185 than \$500.00 for the first offense; but the provisions of Chapter 11 of Title 17 of the
186 Official Code of Georgia and any other provision of law to the contrary
187 notwithstanding, the costs of such prosecution shall not be taxed nor shall any
188 additional penalty, fee, or surcharge to a fine for such offense be assessed against an
189 owner for conviction thereof. Upon a second or subsequent conviction within a one
190 year period, the owner shall be punished by a fine not to exceed \$1,000.00. The notice
191 required by this subsection may be hand delivered to the noncomplying business or
192 establishment or mailed to it at the address of such business or establishment.
193

194 (2) This subsection shall not apply to the City.
195
196

197 *****
198

199 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a)
200 All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
201 upon their enactment, believed by the City Council to be fully valid, enforceable and
202 constitutional.

203 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
204 clause or phrase of this Ordinance is severable from every other section, paragraph,
205 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause
206 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
207 sentence, clause or phrase of this Ordinance.

208 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
209 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
210 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
211 the express intent of the City Council that such invalidity, unconstitutionality or
212 unenforceability shall, to the greatest extent allowed by law, not render invalid,
213 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
214 sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 5. *Instruction to City Clerk.* Unless vetoed, the City Clerk is hereby directed to forward a copy of this ordinance to the Chief of Police and Municipal Court Judge(s), Solicitor(s) and Public Defender(s).

The foregoing **ORDINANCE No. 2018-034**, adopted on **September 11, 2018** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Rowell**, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	☒	☐
Mark Baker, Mayor Pro Tem	☒	☐
Catherine Foster Rowell	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☒	☐
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐

246 THIS ORDINANCE adopted this 11th day of September 2018. CITY OF SOUTH
247 FULTON, GEORGIA.

248
249
250 "SECOND READING"

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253 
254
255 WILLIAM "BILL" EDWARDS, MAYOR
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258
259
260 ATTEST:

261
262 
263
264 MARK MASSEY, CITY CLERK
265



266
267
268 ITEM# ord 2018-034 DATE 9 / 11 / 2018
269

270
271 APPROVED AS TO FORM:

272 
273
274
275 EMILIA C. WALKER, CITY ATTORNEY
276

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE NO. 2018-037**
6

7 **AN ORDINANCE PROVIDING PROCUREMENT POLICIES AND FOR OTHER**
8 **LAWFUL PURPOSES.**
9

10 **(Sponsored by Councilwoman Willis and Jackson)**
11

12 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;
14

15 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
16 Council thereof ("City Council");
17

18 **WHEREAS**, Section 6.31 of the City Charter authorizes the City Council to
19 "prescribe procedures for a system of centralized purchasing for the City";
20

21 **WHEREAS**, the City wishes to prescribe such procedures by way of this
22 Ordinance; and
23

24 **WHEREAS**, the City desires to safeguard and promote the public health, safety,
25 and general welfare of all citizens through the adoption of this Ordinance.
26

27 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
28 **ORDAINS** as follows:
29

30 **Section 1:** The City of South Fulton Code of Ordinances, Title 1, Administration,
31 is hereby revised by adding the following new sections to Chapter 9, Purchasing,
32 contracting and Disposition of Property, which shall read as follows:
33

34 **TITLE 1 – ADMINISTRATION**
35

36 **CHAPTER 9. - PURCHASING, CONTRACTING AND DISPOSITION OF PROPERTY.**
37

38 **Sec. 1-9004. Purchasing, Generally.**
39

40 **A. Title.** This chapter shall be known as the City "Purchasing Ordinance."
41

42 **B. Purpose.** The purpose of this Ordinance is to:
43

- 44 1. Provide a uniform system for procurement;
- 45 2. Ensure a system of quality and integrity in procurement;

3. Simplify, clarify, and modernize methods for governing procurement, encouraging advance planning, reducing small purchases and/or emergency purchases, and reducing paperwork where feasible;
4. Maximize open and fair competition, assuring the best value is received for the tax dollars expended;
5. Obtain the best value for the usage of public funds, taking into consideration such factors as, but not limited to, product safety, environmental impact, total cost of ownership, product performance, compatibility issues, and availability of goods/services;
6. Encourage the use of environmentally preferable and economically sustainable goods and services to reduce the City's environmental impact;
7. Enhance public confidence in the City's procurement;
8. Promote the fair and ethical treatment of all suppliers of goods/services;
9. Encourage active participation by local and locally owned businesses; and
10. Encourage active participation of all the nation's diverse human and business resources.

C. Exceptions. This Ordinance shall not apply where:

1. A good is available from only one (1) source or supply, or when standardization or compatibility is the overriding consideration.
2. The purchase is pursuant to a contract with:
 - a. the United States of America or an agency thereof or
 - b. any government unit or agency thereof within the United States for the purchase, lease, or other acquisition of goods.
3. The purchase is regulated by Federal and State laws, i.e., O.C.G.A §36-91-1, *et seq.*;
4. An emergency exists in any capacity involving the health and safety of the City, including City residents, property, businesses and visitors; or
5. The purchase is for:
 - a. Land, artistic work, or other goods whose inherent nature is unique and cannot be competitively compared to other goods within its class.
 - b. Printed copyright material including published books, maps, periodicals and technical pamphlets (not including software for computer systems), except where a greater savings can be realized by a quantity purchase.
 - c. Real property, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property and other related costs of acquisition of real property.
 - d. Subscriptions, dues, and memberships and board member fees established during the budget process.
 - e. services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments.
 - f. Utilities, including but not limited to electricity and telephone service.
 - g. Employee benefits and health related services procured through a quotation and negotiating process conducted by an expert in the field, or to maintain continuity of employee-health records.

- h. Travel, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy.
- i. Items for resale that require a particular manufacturer to enhance their marketability.
- j. Legal advertisements.
- k. Legal services, litigation, and legal expenses.
- l. goods or services required for confidential and secure investigations, apprehensions and detentions of individuals suspected of or convicted of criminal offenses by law enforcement personnel.
- m. Persons appointed by the mayor and council pursuant to the City Charter.
- n. Seized property included in a Court Order authorizing disposal.

D. Ethics in Purchasing.

1. *Prohibitions.* All City employees, officials, or agents shall comply with the prohibitions of City Charter Section 2.15 when participating in the solicitation for a procurement contract. Disciplinary actions may be taken against employees for violating these requirements as set forth in City Human Resources Policies and Procedures and other City ordinances, policies and regulations.
2. *Gratuities.* It shall be unethical for any person to offer, give, or agree to give any City employee, official, or agent, or for any City employee, official, or agent to solicit, demand, accept, or agree to accept from another person, a gratuity, rebate or gift as an inducement for any award, decision or action under this Ordinance. It shall further be unethical for any person involved with procurement under this Ordinance to act in any manner inconsistent with the State of Georgia's Department of Administrative services Gratuity Policy.
3. *Kickbacks.* It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract and/or order involving a City contract. Additionally, an official, employee, or agent shall not accept free travel from the vendor outside the state of Georgia or free lodging in or out of the state of Georgia.
4. *Rebates.* It shall be unethical for any rebate to be offered for the sole purpose of inducement of a City contract or procurement action. Rebates normally or routinely offered to all customers for the purchase of their goods and services are acceptable and are the property of the City of South Fulton.
5. *Permissive Conduct.* Nothing in this Ordinance shall preclude an official, employee or agent of the City from:
 - a. Engaging in conduct authorized under State regulations and law, including election and campaign laws.

- b. Attending seminars, courses, lectures, briefings, or similar functions at any vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the official, employee, or agent with knowledge and information relative to their official duties. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the official, employee, or agent from receiving meals from a vendor.
- c. Receiving educational materials and business related items of nominal value from a Vendor such as free samples, pens, cups, or notepads.

E. Disclaimer of Responsibility for Improper Purchasing. The City may disclaim responsibility and liability for any purchase, expenditure, or agreement for expenditure arising from a purchase made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this Ordinance or the authorization or delegation as provided in this Ordinance. The expense of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

F. Quiet Period.

1. *Contact by Vendor.* No person or business entity responding to a request for bids or proposals shall initiate or continue any verbal or written communication regarding such request with any City officer, elected official, employee, or designated City representative, between the date such business and/or person received and/or had knowledge of the solicitation through the date of the Purchasing Manager's recommendation to the City Council for award of the subject contract, except for communications with the Purchasing Manager, City Manager and City Attorney, or as may otherwise be specifically authorized by the terms and conditions of the request for bids or proposals.
2. *Prohibited Contact by City.* Between the date of the issuance of any request for bids or proposals for City contracts and the date of the Purchasing Manager's recommendation to the City Council for award of such contract, no City officer, elected official, employee, or designated City representative, except in the course of carrying out legal and official duties in connection with this section, shall initiate or continue any verbal or written communications regarding the solicitation with any person, firm or business entity, who the officer, elected official, employee, or representative knows or should have known has obtained a copy of the solicitation and either has submitted or may submit a bid or proposal. To help ensure compliance, the day prior to the issuance of each solicitation of bids or proposals, the purchasing agent shall notify the City Council, the City Manager, the head of each involved user department, of the subject matter and intended issuance date of the solicitation.
3. This Ordinance shall not be construed to prohibit communication with a vendor which is unrelated to a pending request for bids or proposals. If determined by the City that a vendor communication has compromised the competitive process,

the offer submitted by the individual, firm or business may be disqualified from consideration for award.

G. Freedom of Information.

Interested persons shall have access to information regarding procurement transactions of the City of South Fulton in accordance with State law, including the Georgia Open Records Act, O.C.G.A. §50-18-70 et seq. All meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. Proposals and all related correspondence are governed by the Georgia Open Records Act and shall be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless required by law. In the event the proposer deems certain information to be exempt from the disclosure requirements, the proposal must provide the Purchasing Manager and City Attorney an exemption statement identifying what content is considered exempt, with citation to the applicable provision of the law supporting such assessment.

H. Definitions.

For purposes of this manual, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. Addendum: A change, clarification or correction in the solicitation documents.
2. Annual contract: An agreement or contract, typically for a specified duration, between a supplier and the City, to furnish goods or services usually of an indefinite quantity and delivery schedule, at unit prices provided for under the terms of the contract. Also known as a term contract, annual agreement or requirements contract.
3. Agent: An official, employee, contracted or subcontracted person who is authorized to act on behalf of the City of South Fulton and represent their interests. The City Manager is the official Purchasing Agent for the City.
4. Appeal: A specific written objection by an interested person to a request for qualifications, a request for quotations, an invitation for bid, an invitation to negotiate, a request for proposal, or an award or proposed award of a contract.
5. Apparent low bidder: Vendor that submits the lowest monetary bid.
6. Bid: An offer submitted in response to public notice of an intended sale or purchase.
7. Bid bond: A bond that legally binds the bidder to execute a contract and to provide required post award documents, such as a certificate of insurance and/or performance and payment bonds, or forfeit the amount of the bond.
8. Bidder: One who submits an offer in response to public notice of an intended sale or purchase.
9. Bid opening: The act of publicly opening the bid envelopes and making the bids available for public inspection.

- 229 10. Bond: A form of financial protection against damages; a binding agreement
230 executed by a bidder or vendor and another party to guarantee the performance
231 of certain obligations or duties to the purchaser.
- 232 11. Buyer: Purchaser; the buying agency or government.
- 233 12. Buying cooperative or alliance: A group of public entity purchasers organized for
234 the purpose of creating contracts or pricing agreements in order to take
235 advantage of group or quantity buying discounts or special pricing from which
236 members of the group can benefit.
- 237 13. Capital asset: A purchase of land, equipment, infrastructure, buildings, or
238 improvements with a value of or greater than \$5,000.00 with at least a two (2)
239 year useful life as defined by the Capital Asset Policy.
- 240 14. Capital expenditure: An expenditure that results in the acquisition of or an
241 addition to a capital asset.
- 242 15. Centralized purchasing: The system under which the Finance Department and
243 Purchasing Department are authorized to enter into contracts for goods and
244 services on behalf of the City.
- 245 16. Change order/amendment: An agreed upon addition to, deletion from, correction
246 or modification of a contract.
- 247 17. City: The City of South Fulton, Georgia
- 248 18. City Chief Financial Officer (Treasurer): The City Treasurer.
- 249 19. Commodities: Supplies, apparatus, materials, equipment, and other forms of
250 tangible personal property that can be mass produced and used by a City
251 department in the accomplishment of its responsibilities.
- 252 20. Competitive award: A procurement based upon the outcome of one of the
253 competitive processes set forth in this Ordinance, where award is made based
254 on the lowest quotation or bid submitted by a responsible and responsive bidder
255 or to the most qualified or advantageous proposer based on the qualitative
256 and/or quantitative factors identified for the procurement. A competitive award
257 can be made even if only a single bid or proposal has been received from a
258 bidder or proposer who is determined to be responsible and responsive.
- 259 21. Construction: The process of building, altering, improving or demolishing any
260 public structure or building, or other public improvements of any kind to any
261 public real property. The term "construction" does not include the routine
262 operation, repair and/or maintenance of existing structures, buildings, or real
263 property.
- 264 22. contract: A legally binding mutual agreement between two parties. Any City
265 agreement, regardless of form or title, for the procurement or disposition of goods
266 or services. contracts also include change orders, modifications, amendments,
267 supplemental agreements with respect to any of the foregoing. Every contract
268 must be duly authorized and approved prior to execution.
- 269 23. contract extension: An amendment to a contract that includes an increase in the
270 term of a contract, for which no options to renew the contract beyond the current
271 expiration date exists.
- 272 24. contract renewal: An exercise of an approved, existing option to increase the
273 term of a contract. Options to renew a contract are often done in annual
274 increments.

25. contractor: Any person or business having a contract with the City.
26. Department: An organizational unit within City government that is responsible to the City Manager, or designee.
27. Division: An organizational unit within a City department that is responsible to the head of a department, or designee.
28. Emergency purchase: The purchase of supplies and/or services whose immediate procurement is essential to protect life or property.
29. Encumbrance: A financial commitment for unperformed or unpaid contracts for goods or services.
30. goods: Supplies, apparatus, materials, equipment, and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities.
31. Invitation to bid: A formal request to prospective vendors soliciting quotations or bids; contains, or incorporates by reference, the specifications or scope of work and all contractual terms and conditions.
32. Letter of intent: A written statement detailing the preliminary understanding of parties who plan to enter a contractual arrangement.
33. Local vendor (business): A vendor which operates and maintains a brick and mortar business within the corporate limits of the City of South Fulton; has a current City Occupation Tax Certificate; and has paid in full all real and personal taxes owed the City.
34. Locally owned vendor (business): A business with at least one owner, partner or officer residing within the City of South Fulton.
35. Local and locally owned vendor preference: A two percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a local business. And additional four percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a locally owned business. Applies to all sealed competitive procurements excluding construction projects; federally funded projects; and online/electronic sealed bid/reverse auctions. A local vendor's bid will be awarded if the bid is within two percent (2%) or six percent (6%) of the non-local vendor's bid who otherwise would have received the award of the contract.
36. May: Denotes the permissive.
37. Payment bond: A bond which assures payments, as required by law, to all persons supplying labor or material for the completion of work under the contract.
38. Performance bond: A bond provided in connection with a contract which guarantees the performance and fulfillment of all the terms, conditions, and agreements contained in the contract.
39. Practicable: Sufficient in performance and available at a reasonable cost.
40. Price preference: A percentage of increase in price an entity will pay to obtain a designated product. No price preferences are recognized by the City.
41. Procurement: Purchasing, renting, leasing or otherwise acquiring any equipment, supplies, services or construction projects

- 320 42. professional services: Those services which are defined by statute as a
321 "profession" or "professional service" and require a license or accreditation,
322 including, but not limited to, certified public accountants, actuarial services,
323 architecture, landscape architecture, interior design, licensed or accredited
324 appraisers or licensed or accredited financial analysts providing opinions of
325 value, chiropractic, dentistry, professional engineering, podiatry, pharmacy,
326 veterinary medicine, registered nursing, harbor piloting, land surveying, law,
327 psychology, medicine and surgery, optometry, and osteopathy. professional
328 services include but are not limited to evaluations, consultations, management
329 systems, management consulting, compiling statistical data, support of planning
330 and operating activities, appraisal services, and research and development
331 studies or reports.
- 332 43. Project Manager: The Department head which may be assigned by the City
333 Manager with duties and responsibilities with respect to a project, such as a
334 consulting, design and engineering or capital project involving new construction
335 and/or maintenance or repairs.
- 336 44. Protest: A formal appeal of a process or decision in writing.
- 337 45. Protester: An actual bidder who is aggrieved in connection with the bid process,
338 including contract award, and who files a protest in writing in accordance with this
339 Ordinance.
- 340 46. Purchase order: A document authorizing a City of South Fulton employee
341 contracting with a seller to deliver goods with payment to be made later.
- 342 47. Purchasing agents: The Purchasing agents for the City of South Fulton shall be
343 the City Manager and City Treasurer.
- 344 48. Purchasing Manager: The designee of the City Manager to manage the day to
345 day operations of the Purchasing Department.
- 346 49. Purchasing Department: The department responsible for procurement for the
347 City.
- 348 50. Registered business: A business that has a valid City Occupation Tax Certificate.
- 349 51. Reasonable cost: Cost that by its nature or amount does not exceed what would
350 normally be incurred by an ordinarily prudent person in the conduct of
351 competitive business.
- 352 52. Request for Informal Quote (RFIQ): A document used in an informal solicitation
353 for an offer to be submitted in writing that will result in a purchase contract.
- 354 53. Request for Information (RFI): A document used in an informal, noncompetitive
355 solicitation where vendors provide feedback on industry standards and
356 procedures which allows purchasing to decide and implement a procurement
357 strategy.
- 358 54. Request for Proposal (RFP): A document used in purchasing complex services
359 when the competitive sealed bid is neither practical nor advantageous, the RFP
360 process considers both quality of the solution offered and price to obtain the best
361 overall value.
- 362 55. Request for Qualifications (RFQ): A document used in purchasing complex
363 services when the competitive sealed bid is neither practical nor advantageous,
364 the RFQ process considers both contractor qualifications and price to obtain the
365 best overall value.

- 366 56. Requisition: An internal document, provided by a department to the Purchasing
367 Department that contains the fund source, approvals, descriptions, quantities,
368 and other information about the goods, services, or professional services, in
369 order to proceed with the procurement.
- 370 57. Responsible bidder: A vendor who has the capability in all respects to perform
371 fully the contract requirements; and the experience, integrity, perseverance,
372 reliability, capacity, facilities, equipment and credit which will assure good faith
373 performance.
- 374 58. Responsive bidder: A vendor who has submitted a bid that conforms in all
375 administrative and material respects to the requirements stated in the invitation to
376 bid.
- 377 59. Sealed bid: An offer submitted in response to a formal procurement solicitation in
378 a closed envelope to be opened at a specific time and place.
- 379 60. Sealed proposal: An offer submitted in response to a formal procurement
380 solicitation in a closed envelope where the technical response and cost are
381 separated to be opened and the participant's names read aloud at specific time
382 and place.
- 383 61. Services: Any performance of effort or labor, for which the City has contracted
384 other than professional services or services classified as construction.
- 385 62. Shall: Denotes the imperative.
- 386 63. Sole Source/Single Source: That only one vendor possesses the unique and
387 singularly available capability to meet the requirement of the solicitation, such as
388 technical qualifications, ability to deliver at a particular time, or services from a
389 public utility.
- 390 64. Specification or scope of work: Specifications are the detailed and exact
391 description of the requested materials and/or services. They should accurately
392 describe the physical, functional, and/or performance requirements of the items
393 and/or services requested.
- 394 65. Statement of Qualification (SOQ): An offer submitted in response to a formal
395 procurement solicitation in a closed envelope to be opened and the participants'
396 names read aloud at a specific time and place.
- 397 66. Surplus Property: City-owned property that is no longer required or has no
398 practical use by the City.
- 399 67. Sustainability: Reducing the amount of resources used as well as reducing the
400 amount of waste and emissions produced in order to limit the environmental
401 impact or ecological footprint. The City will improve our sustainability efforts
402 through an environmentally preferred purchasing program that provides for the
403 present generation and needs of the organization while honoring our past and
404 allowing for the needs of future generations.
- 405 68. User department/division: The City department which has the responsibility for
406 determining the need for an item or service, its related specifications, and need
407 date. The user is responsible for advising the Purchasing Manager of the
408 approved funding and the specific budget account number for the need.
- 409 69. Vendor: Any individual or business conducting business or seeking to do
410 business with the City; one who sells goods and/or services; a supplier.

I. Responsibilities, Generally.

1. Purchasing Agent. The City Manager and Chief Financial Officer are responsible for establishing overall policies and procedures to ensure the integrity of the purchasing program throughout the City. Primary roles and responsibilities include:

- a. Responsible for overseeing the day to day purchasing activity and ensuring the City purchasing policies, procedures and ordinances are followed.
- b. Reviewing purchasing ordinance violations and determining disciplinary action based upon the purchasing policies, procedures, and ordinances.
- c. Review and approve proposed formal solicitations prior to issuance.
- d. Review all requisition and purchasing contracts.
- e. Review and approve all purchasing contracts and change orders \$25,000 or less. (City Manager).

2. Purchasing Department. The Purchasing Department will:

- a. Conduct business in compliance with the City's ordinances and in accordance with the principles contained in this section.
- b. Serve as a resource for departments in issues of policy and in the day to day processing of requisitions.
- c. Provide information and procure goods and/or services which meet the user department's requirements, ensuring consideration of life cycle costs and sustainable goods and services.
- d. Provide assistance in the preparation of specifications.
- e. Process the auditing and review of requisitions to ensure that the purchasing policies, procedures and ordinance are being followed.
- f. Provide user training on City purchasing policies, procedures and ordinance.
- g. Ensure that contract awards are made to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement.
- h. Utilize approved third-party software and train the department's liaisons and agents to use the software as appropriate.
- i. Formally and informally procure goods and services in compliance with applicable laws.

3. Department Head Responsibilities. Department heads are responsible for ensuring the integrity of purchasing within their department by upholding City policies, procedures, and ordinances. All department heads are responsible for overseeing purchasing activity and must have an understanding of City purchasing rules and regulations. While the department head holds the responsibility of oversight, administration of the day-to-day activity of the purchasing process will be reviewed through designation of one or more department liaisons. Department head responsibilities include:

- a. Maintain knowledge of City purchasing policy and procedures and ordinances to effectively oversee purchasing activity within their department.
- b. Delegate responsibility within their department to assist with the purposes of this Ordinance.
- c. Review and approve requisitions as part of the purchasing process.
- d. Review, approve and participate in any formal solicitation process for the department as needed.
- e. Approve sole source/single source procurements.
- f. Designate project manager for departmental projects that require procurement.
- g. Provide written determinations for the basis of an emergency purchase.
- h. Keeping the Purchasing Department informed when staff changes are made that will require training in regard to purchasing policies and procedures.
- i. Review requisitions in a timely manner in order to facilitate the purchasing process.
- j. Review all documentation to ensure:
 - i. The appropriate back up for the purchase is attached to the requisition.
 - ii. The correct purchase/object allocations are used based on the approved budget.
 - iii. An e-verify affidavit form is attached where required.
 - iv. A sole source form is attached where required.
- k. Submit all requests for goods and services in a timely manner in order to allow for timely response from vendors and to eliminate extra charges for rush items.
- l. Strive to provide full and accurate descriptions of needed supplies and/or services to avoid misunderstandings.
- m. Inform the Purchasing Department in writing when there are problems or changes to purchase orders or contracts.
- n. Ensure that purchased goods for their department are received, inspected and verified as to condition. Initiate returns as necessary.

J. Purchasing Thresholds.

1. For goods, services, and professional services \$2,501.00 and below, upon approval by the Purchasing Manager, the user department shall obtain goods and services most advantageous to the City through direct purchase through the use of a requisition or p-card.
2. For goods and services between \$2,501 and \$25,000, the user department shall obtain, where possible, at least three written quotes, subject to approval by the City Manager.
3. For professional services between \$2,501 and \$25,000, a quality based selection process will be used, subject to approval of the award by the City Manager. The

department head shall justify the choice in writing to be attached to the requisition.

4. For goods and services \$25,001.00 and above, the Purchasing Department will use a formal procurement process. The Purchasing Manager shall issue the solicitation and make a recommendation to City Council for approval.
5. For professional services \$25,001.00 and above, a quality based selection process will be used. The Purchasing Department will use a formal procurement process. The Purchasing Manager shall issue the solicitation and make a recommendation to City Council for approval.

Goods and services

\$Threshold	Purchasing Method	Responsibility	Approval
>\$25,001	Formal Procurement Process	Purchasing Department	City Council
\$2,501-\$25,000	Three (3) Written Quotes	User Department	City Manager
<\$2,500	Non-Competitive	User Department	Purchasing Manager

Professional services

\$ Threshold	Purchasing Method	Responsibility	Approval
>\$25,001	RFQ	Purchasing Department	City Council
\$2,501 - \$25,000	RFQ with Department head Justification	User Department	City Manager
<\$2,500	Non-Competitive	User Department	Purchasing Manager

K. Non-competitive Procurements. The provisions of this Ordinance shall apply to the procurement of goods and services, when determined to be in the best interest of the City and not in conflict with the requirements of state law.

1. *Sole Source/Single Source Procurement.* The City may acquire goods, services, or professional services pursuant to a sole source/single source procurement. Sole source/single source procurement is allowable when goods, services, or professional services are limited to one source, or when they must be obtained from a specific manufacturers' dealer and valid competition among dealers does not exist. A sole source/single source procurement may also be made from one person among others in a competitive market place, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling the given purchasing need.

- 525 2. *Sole Brand Procurement.* The Purchasing Agent may elect to purchase particular
526 brand name goods or services when the goods or services comprise a major
527 brand system, program or service previously selected by the City for
528 standardization due to operational effectiveness, future enhancements or
529 additions, or maintenance or storage of spare parts precludes the mixing of
530 brands, manufacture, etc. The user must submit the justification for the sole
531 source/single source procurement for approval to the Purchasing Agent.
532
- 533 3. *Direct Negotiation Following Competitive Solicitation.* Following the completion of
534 a competitive award solicitation process that fails to produce a responsible or
535 responsive bidder or proposer, fails to produce a qualified respondent, or for
536 which all submissions were rejected for any reason, the City may procure the
537 goods, services, or professional services that were the subject of such failed
538 solicitation by direct negotiation with any provider of such failed solicitation.
539 Direct negotiations shall be facilitated by the Purchasing Manager, with
540 assistance as necessary by the City Manager and City Attorney. A proposed
541 contract shall be submitted to the City Council for consideration. The Council
542 may reject, approve or direct further negotiations of the contract. Direct
543 negotiations under this paragraph shall commence within ninety (90) days of the
544 completion of the failed competitive solicitation process.
545
- 546 4. *Emergency Procurement.* The City and City Manager may acquire goods,
547 services or professional services under the defined thresholds by direct
548 negotiation, in lieu of the formal solicitation processes set forth under this
549 Ordinance, in situations of an emergency. Emergency situations exist where
550 there is an imminent threat to: a) public health, safety or welfare, b) the
551 soundness and integrity of public services or property, or c) the delivery of
552 essential City services. Emergency procurements shall be made with as much
553 competition as is reasonable or practicable under the circumstances, which may
554 consist of acquisition of goods and services under the direct negotiation process
555 outlined in the paragraph above. As soon as practicable, a record of each
556 emergency procurement shall be made and shall set forth the contractor's name,
557 the amount and type of the contract, a listing of the item procured under the
558 contract, the basis for the emergency situation and the identification number of
559 the contract file.
- 560 Emergency procurements associated with projects utilizing grant funds will
561 always follow the established procurement procedures of the grant.
- 562 5. *Costs Under the Competitive Threshold.* The user department may acquire
563 goods, services and professional services by direct negotiation or by some other
564 non-competitive method, when the dollar value of the purchase does not exceed
565 \$2,501 and a properly executed and authorized requisition is received. Under this
566 non-competitive method, the user department shall attempt to obtain the goods,
567 services or professional services most advantageous to the City, price and other
568 factors considered.

- 569
- 570 6. *Direct Negotiation and other Public Entities and Co-ops.* The City may acquire
- 571 goods, services, and professional services by direct negotiation or other method
- 572 involving limited or no competition from a supplier having a requirements
- 573 contract/annual agreement with any public entity (e.g., federal, state, county, city,
- 574 authority, school board, buying cooperative, etc.) for goods, services, or
- 575 professional services described in such contract and at prices or discounts no
- 576 less favorable than any set forth in such contracts. Use of state/co-op contracts:
- 577 the purchasing agent may, independent of the requirements of bid process of this
- 578 article, procure supplies, services or construction items through a contract
- 579 established through competitive means by the purchasing department of the
- 580 state of Georgia, national co-ops (i.e.-U.S. communities), and collaborative
- 581 purchasing agreements with other local governments when deemed to be in the
- 582 best interest of the City.
- 583

584 Nothing in this Ordinance shall impact and/or limit the City's ability to pursue

585 purchasing cooperatives and alternatives allowable under State law through the

586 Georgia Municipal Association and other organizations.

- 587 **L. Competitive Procurements.** The Purchasing Department will determine the
- 588 procurement method to be used based on the type and estimated price of the
- 589 purchase. The City reserves the right to reject any or all bids if it determines such
- 590 rejection to be in the best interest of the City. Formal solicitations will generally be
- 591 solicited on a project-by-project basis. The user will submit the scope of goods
- 592 and/or services to the Purchasing Manager, who will then determine which of the
- 593 competitive processes best suits the purchase. A performance guarantee, such as a
- 594 performance bond or letter of credit, may be required for any solicitation that
- 595 includes services to be performed after consultation with the City Manager, and
- 596 others, as necessary. Periodically, the City may be given private/public grants and
- 597 donations from sources such as the state and federal government and private
- 598 corporations. These types of solicitations may be more restrictive and may dictate
- 599 the procurement process and methodology that the City is to follow for an award.
- 600 Both federal and state procurement policy supersedes City of South Fulton's
- 601 purchasing requirements when buying goods and services using federal or state
- 602 grant monies. Departments should consult the accounting department regarding the
- 603 use of federal and state funds.
- 604

- 605 1. *Invitation to Bids.* Invitation to Bids (ITB) are prepared and issued to prospective
- 606 bidders, with the goal of obtaining competitive responses for items costing
- 607 \$25,001 and greater.
- 608
- 609 a. Public notice (such as publication in a newspaper of general circulation,
- 610 posting on the Purchasing Department's internet web page, posting on State
- 611 internet web page, or third party eSourcing platform) of the ITB must be given
- 612 a minimum of fourteen (14) calendar days prior to the date set for bid opening
- 613 or as required by state and federal law, unless it can be demonstrated that an

urgent requirement for goods or services exists, in which instance, the requirement for public notice may be reduced by the Purchasing Manager.

- b. Bids shall be opened publicly by the Purchasing Manager, or their designee, in the presence of one or more witnesses at the time and place designated in the ITB. All relevant information, including each bid amount and bidder's name, will be recorded on a summary sheet and signed by the opener and witness.
- c. The Purchasing Manager shall evaluate the bids and make a recommendation to the City Council. A split or partial bid may be awarded if an ITB is for multiple goods or services, more than one vendor provides a bid that meets the specifications for the items, and a price comparison can be made between the items quoted. The award may be split between more than one vendor by awarding to the lowest cost provider of each item or reasonable grouping of items if acquisition, delivery, and other requirements can be reasonably administered. A split or partial bid award shall not be used under the following conditions:
 - i. When the solicitation is for an integrated system and the split of the award between components or parts of that system would jeopardize performance; or
 - ii. If the item is part of a system and the performance of that system would be jeopardized if another brand was substituted.
- d. Tie Bids: In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:
 - i. To the extent permitted by law, a tie bidder with a registered business location within the City will be recommended to the City Council for an award over one without an office in the City, a registered business within the county limits of Fulton County should be recommended to the City Council for an award over one without an office in the County, and a registered business within the state of Georgia will be recommended to the City Council for an award over one without an office in Georgia.
 - ii. If the procedures in the paragraph above do not result in an award, then, the tie bidders will be contacted and advised of the tie bid. bidders will be given the opportunity to provide a best and final offer in writing submitted in a sealed envelope to be opened at the time and place stated by City staff. If one or more of the tied bidders agrees to participate, award will be made to the new low bid. If none of the tied bidders agree to participate or if the new bids are tied, then City staff shall break the tie by following the procedures described below, as necessary.
 - iii. If the procedures in (i) and (ii) do not result in an award, then, to the extent permitted by law, a tie bidder deemed in the City's sole discretion to provide the most environmentally preferable goods would be

- recommended to the appropriate approving authority for an award over one deemed environmentally inferior.
- iv. In the event the above does not result in an award, the City reserves the right to award to both tie vendors when it is feasible and in the best interest of the City to do so.
 - v. Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the ITB; however, minor irregularities may be waived by the City. No bid may be withdrawn for a period of one hundred twenty (120) days after the time scheduled for bid opening or as permissible by State law.
- e. Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids, at the place designated for opening, is considered late. Late bids will be rejected and remain unopened.
- f. Bids will be evaluated based on the evaluation factors set forth in the ITB, which may include criteria to determine acceptability of goods (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of goods shall be used to determine whether particular goods are responsive to the Invitation to bids, and not to determine the relative desirability between acceptable goods.
- g. The City reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, to further negotiate with the Responsive and Responsible bidder selected for contract award, or to reject any or all bids for any reason whatsoever.
- h. If no Responsive and Responsible Bids are received or all bids are rejected, the City may procure such goods and services by direct negotiation.
- i. The Bid will be awarded, if an award is made, to the Responsible and Responsive bidder offering the lowest price whose bid meets the requirements and criteria set forth in the ITB. The bid may require a contract.
2. *Request for Informal Quotes (RFIQ)*. Request for Informal Quotes are prepared and issued to prospective bidders by the user department, with the goal of obtaining competitive responses for items costing between \$2,501 and \$50,000. The RFIQ shall define the scope of the work and may contain contractual terms and conditions. In most cases, the bid award will be made on best price, but the award may be made on other grounds which are determined to be in the best interest of the City. The RFIQ may require the submission of bid samples, descriptive literature, and technical data and may require inspection or testing of a product before a final award. The user department shall summarize quotes on a summary sheet for use in consideration of an award.

- 704 3. *Request for Proposals (RFP)*. When the Purchasing Manager determines the use
705 of an ITB is not practical or not advantageous because of existing market
706 conditions or the type of items required, the City may procure goods, services, or
707 professional services through receipt of competitive sealed proposals.
708 Competitive sealed proposals are solicited using an RFP, with the goal of
709 obtaining competitive responses for items costing more than \$25,001.
710
- 711 a. Public notice of the RFP shall be given in the same manner as for ITB
712 procurements.
713
 - 714 b. Proposals shall be opened publicly by the Purchasing Manager, or their
715 designee, in the presence of one or more witnesses at the time and place
716 designated in the RFP. A register of proposals shall be prepared that lists
717 each proposer's name, which will be signed by the opener and the witness.
718
 - 719 c. Correction or withdrawal of proposals is permitted in accordance with any
720 instructions allowing the same contained within the RFP.
721
 - 722 d. Proposals shall be deemed late in the same manner as the procurement
723 process for an ITB.
724
 - 725 e. The RFP will identify the criteria to be considered and evaluated as the basis
726 of award.
727
 - 728 f. Proposals submitted by responsible and responsive proposers shall be
729 evaluated in writing by the Purchasing Agents and Purchasing Manager
730 based upon the criteria applicable to the RFP. All proposals will be ranked by
731 such evaluators in order of their acceptability, giving consideration to the
732 criteria. The City has no obligation to award the contract to the Proposer who
733 proposes the lowest price. The evaluations shall be provided to the City
734 Council for selection of the final award. The contract will be awarded, if
735 award is made, by the City to the responsive and responsible proposer whose
736 proposal is determined, in the City's exclusive discretion, to be the most
737 advantageous to the City, taking into consideration price, qualifications, and
738 other factors as indicated in the RFP.
739
 - 740 g. The City reserves the right to waive any informalities or irregularities of
741 proposals, to request clarification of information submitted in any proposal, to
742 further negotiate with a responsive and responsible proposer who has been
743 selected for contract award, or to reject any or all proposals for any reason
744 whatsoever.
745
 - 746 h. If no responsive and responsible proposals are received or all proposals are
747 rejected, the City may procure such goods, services, and professional
748 services by direct negotiation.

M. Quality Based Selections (QBS)

1. *Request for Qualifications (RFQ)*. Requests for Qualifications (RFQ) may be used when it is determined to be in the City's best interest to evaluate the experience and qualifications of a service provider, without regard to price or prior to considering price.
 - a. The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Service providers whose qualifications meet the criteria established in the RFQ, at the sole discretion of the City, may be considered for contract award by participation in the completion of price negotiation. The City shall attempt to negotiate a fee with the highest ranked firm. If no agreement is reached, the City shall begin negotiations with the next highest ranked firm. Negotiations will proceed in this manner until an agreement is reached. Alternatively, the City may, by direct negotiation, finalize terms with service providers who are selected for award based on qualifications. The City reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the City.
 - b. The RFQ process will be the method of procurement when the professional services exceed \$25,000 and/or the project costs exceed \$1,000,000 for the procurement of services within the scope of architecture, registered interior design, professional engineering, land surveying, and landscape architecture.
2. *Multi-step Solicitation*. The City may initiate one of the multi-step solicitation processes described below when: (a) in the City's discretion, it is impractical to prepare an adequate or complete description of the goods or services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the City desires to identify a field of qualified bidders, proposers, goods or services, out of a broader field of bidders, proposers, goods or services, or (c) the City believes a multi-step process would best serve its purposes.
 - a. *Consecutive Multi-Step Process*:
 - i. The City may request statements of qualifications to be evaluated based on the criteria in the RFQ for purposes of identifying one or more desirable or acceptable goods, services, or professional services or for purposes of identifying a field of qualified or most qualified bidders or proposers
 - ii. After identifying a field of most qualified bidders or proposers with the capability of providing the desirable or acceptable goods, services, or professional services, the City may either follow a competitive ITB process or by a RFP process among the field of vendors identified as having the capability to meet the City's requirements for the procurement.

b. *Consecutive Multi-Step Process to Award stand by Purchasing contracts:* A standby contract is an agreement between the City of South Fulton and an entity performing a professional or technical service. The use of standby contracts will be at the discretion of the City Manager. The contract thresholds are subject to the bidding thresholds established in this Ordinance. The entities selected through this process are intended to create a pool of qualified vendors to be used on a rotational basis, or with the informal procurement process.

- i. When it is in the best interest of the City to have pre-qualified, stand by purchasing contracts because of the need to provide quick-response, repetitive services or a range of services or professional services within a specific field of expertise, the City may use consecutive multi-step procurement process to identify one or more stand by contractors. The purpose is to identify one or more stand by contractors that demonstrate the ability to perform a particular type of service during a specified contract period.
- ii. Contract award - The multi-step solicitation shall specify the general types of services required, the selection process to be used, and the selection criteria for award of the stand by contract.
- iii. Award of a specific scope of work to a stand by contractor - During the term of the stand by contract(s), specific scopes of work may be developed and awarded to stand by contractor(s), by amendment to such stand by contract(s), provided that the specific scope of work is consistent with the general types of services upon which award of the continuing contract(s) was made. On an annual basis, the maximum contract amount shall not exceed \$1,000,000 with task order approval through the City Manager.
- iv. Except when the stand by contract is for the procurement of services within the scope of architecture, registered interior design, professional engineering, land surveying or landscape architecture and when there is more than one stand by contractor available to perform the specific scope of work defined, the process for award of the work is set forth below:
 - (a) Work may be rotated during the contract period between the stand by contractor(s) that were selected to perform the general type of services required; or,
 - (b) Quotations, bids or proposals may be requested from the prequalified Stand by contractors that were selected to perform the general type of services or professional services required. The City may select the stand by contractor whose quotation, bid, or proposal is deemed to be most advantageous to the City to perform the specific scope of work required.
- v. City departments shall use the list of approved stand by contractors. A user department may choose to either use a rotation or informal bid

process as referenced above when using a Standby contract. The choice of the department will remain in effect for the term of the contract. This procurement strategy should allow vendors fair and consistent access to projects, improve quality of service delivery and generally increase the efficiency and cost-effectiveness of the procurement process. The vendor rotation process shall include the list of the qualified vendors selected through procurement process to perform the work. The department will maintain a list of the qualified vendors and rotate through each vendor on an established basis.

- vi. The informal bid process shall include the list of the qualified vendors selected through the procurement process to perform the work. This procurement strategy will require the departments to obtain at least three quotes for work above \$2,501 and below the formal bid threshold. If three quotes are not obtained, detailed written explanation is required.
- vii. All qualified vendors should be given equal access to projects, and through transparent monthly reporting a list of projects, vendor(s), awards, and purchase amount shall be maintained. If a vendor declines the project a written record shall be maintained, and the vendor shall be invited the next time the vendor's name is in the rotation.
- viii. For the professional stand by contracts, the department head will be responsible for providing the determination of the professional selection.

N. Protests.

1. *Submission of Protest.* If a vendor or bidder is aggrieved during pending request for proposals, bids or qualifications, the vendor or bidder can choose to protest in accordance with this section.
 - a. Bidders may protest the contract award in connection with the RFQ/ITB/RFP on which the bidder has submitted a bid/proposal. Any such protest by a bidder must be filed no later than ten (10) calendar days following the date of the notice to award and/or conclusion of the RFQ/ITB/RFP, in order to have the protest considered.
 - b. A written statement of protest pertaining to events or facts arising during a bid solicitation process, signed by a company officer authorized to sign contracts on behalf of the vendor, must be received by the Purchasing Department no later than three (3) calendar days prior to the bid due date, with the exception that actions complained of occurring within three (3) days of the bid due date shall be filed within twenty-four (24) hours of the actions complained of. Failure to file a protest by the time required may be deemed a waiver of any grounds the vendor or bidder has to protest. All inquiries received after the bid award and/or after the conclusion of a RFQ/ITB/RFP will not be considered a formal protest.
2. *Format of Protest:* Protests shall include:

- a. The name and address of the protester;
- b. Appropriate identification of the solicitation, and, if a contract has been awarded, its number;
- c. A statement of reasons for the protest, with supporting legal authority; and
- d. Supporting exhibits, evidence, or documents to substantiate any claims unless evidence is not available within the filing time; in which case the expected availability date shall be indicated.

3. *Filing a Protest to Notice of Non-Award.* A written statement of protest to Notice of Non-Award by a company officer authorized to sign contracts on behalf of the vendor, must be received by the Purchasing Department no later than ten (10) calendar days following the date of the notice of non-award. Failure to file a protest by the time required may be deemed a waiver of any grounds the vendor or bidder has to protest. All inquiries received after the ten (10) day period will not be considered a formal protest.

4. *Stay of Procurement During Protest.* When a protest pertaining to events or facts arising during a pending solicitation under this section (example: protests concerning specifications and evaluation criteria) has been filed no later than the three (3) business days prior to the bid opening or deadline herein, the Purchasing Department shall suspend the award of a contract until a final decision has been issued, unless the Purchasing Department makes a written determination, after consulting with the issuing department, that awarding the contract without delay is necessary to protect the best interests of the City.

- a. When a protest has been filed in a timely fashion within ten (10) calendar days following the issuance of a notice of non-award, the Purchasing Department shall consult with the City Manager to determine if performance of the contract without delay is necessary to protect the best interests of the City.
- b. If it is determined that it is necessary to proceed with a contract without delay, the bidder that receives the contingent contract may proceed with performance and receive payment for work performed in strict accordance with the terms of the contract; however, such bidder shall not be entitled to reimbursement for any capital outlay costs, or other up front expenditures incurred in performing the contract.

5. *Decision by Purchasing Department.* A recommendation will be made by the Purchasing Department to the City Attorney as expeditiously as possible after receiving all relevant requested information in regard to the protest filed. After consultation with the City Attorney, the Purchasing Department will notify the bidder in writing of the decision no later than thirty (30) days after all necessary paperwork is filed. If a protest is sustained, available remedies may include one of the following:

- 930
- 931 a. For a protest sustained prior to an award, modification of the
- 932 solicitation document, including but not limited to specifications, terms
- 933 and conditions and evaluation criteria; and extension of the opening
- 934 date, if appropriate.
- 935 b. For a protest sustained after an award is made, suspension or
- 936 cancellation of the award, re-evaluation and re-award or re-solicitation
- 937 with appropriate changes to the new solicitation document.
- 938

939 6. *Appeal*. Decisions from the Purchasing Manager on a solicitation protest may be

940 appealed to the City Council. The request for appeal must be filed within seven

941 (7) calendar days of the decision complained of. The decisions of the City

942 Council shall be appealed as allowed by law.

943 **O. Guidelines for Promoting Sustainability through the Purchasing Process.** The

944 City is a significant consumer of goods and services. The City desires to encourage

945 the procurement of sustainable and environmentally preferred products and

946 services. The City of South Fulton Mayor and Council have resolved that the city will

947 take an active role to promote the analysis of life cycle costs for products and

948 services to encourage protection of the environment by showing preference for the

949 procurement of sustainable products and services for the use in city operations.

950

- 951 1. In general, environmentally preferable products and services are those that
- 952 would reduce negative effects on human health and environment when
- 953 compared with the competing products and services. More specifically, this
- 954 comparison would include consideration of all phases of the product's life cycle,
- 955 including raw materials acquisition, production, manufacturing, packaging,
- 956 distribution, operation, maintenance and disposal, including potential for reuse or
- 957 ability to be recycled.
- 958
- 959 2. In practice, the objective is to purchase products that have been environmentally
- 960 certified or eco labeled because they have reduced environmental impact due to
- 961 the way they are made, used, transported, stored, packaged and disposed. It
- 962 means looking for products that do not harm human health, are less polluting and
- 963 that minimize waste, maximize use of bio-based or recycled materials, conserve
- 964 energy and water, and reduce the consumption of and disposal of hazardous
- 965 materials.
- 966
- 967 3. Reports will be provided to City Council on an annual basis to track the success
- 968 of the environmentally preferable purchasing program that accounts for life cycle
- 969 costs and gives preference to products that are recycled, recyclable and
- 970 otherwise more environmentally friendly than traditional products; purchase
- 971 Energy Star rated equipment and appliances when possible to do so and,
- 972 purchase recycled copy, computer, and fax paper with at least thirty percent
- 973 (30%) recycled content whenever the use of the paper makes it possible to do
- 974 so.

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Section 2. It is hereby declared to be the intention of the Mayor and Council that:

(a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) 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. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 is the express intent of the City Council 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 this Ordinance.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 5. *Instruction to City Clerk.* Unless vetoed, the City Clerk is hereby directed to forward a copy of this Ordinance to the City Finance Department.

1001 The foregoing **ORDINANCE NO. 2018-037**, adopted on **September 11, 2018** was
1002 offered by Councilmember **Willis**, who moved its approval. The motion was seconded
1003 by Councilmember **Jackson**, and being put to a vote, the result was as follows:

1004

1005

1006 **"SECOND READING"**

1007

1008

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1012 William "Bill" Edwards, Mayor

1013 Mark Baker, Mayor Pro Tem

1014 Catherine Foster Rowell

1015 Carmalitha Lizandra Gumbs

1016 Helen Zenobia Willis

1017 Gertrude Naeema Gilyard

1018 Rosie Jackson

1019 khalid kamau

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AYE

NAY

THIS ORDINANCE adopted this 11th day of September 2018. CITY OF SOUTH
FULTON, GEORGIA.

"SECOND READING"


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



ITEM# ord 2018-037 DATE 9 / 11 / 2018

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **ORDINANCE No. 2018-038**
7

8 **AN ORDINANCE AMENDING THE CITY OF SOUTH FULTON TRUCK**
9 **ROUTES ORDINANCE IN CHAPTER 2 OF TITLE 8 OF THE CITY OF SOUTH**
10 **FULTON CODE OF ORDINANCES.**
11

12 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;
14

15 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
16 Council thereof ("City Council");
17

18 **WHEREAS**, the City Council is authorized by O.C.G.A. § 40-6-371 and O.C.G.A.
19 § 32-4-92 to enact ordinances regulating motor vehicles and traffic with respect to
20 streets and highways under their jurisdiction;
21

22 **WHEREAS**, pursuant to City Charter Section 1.12(b)(18), the City is authorized
23 to regulate the operation of motor vehicles and exercise control over all traffic, including
24 parking, upon or across the streets, roads, alleys, and walkways of the City; and
25

26 **WHEREAS**, the City finds it to be in the public interest and for the health,
27 safety, welfare, comfort, and well-being of the City and its inhabitants to regulate motor
28 vehicles and traffic within the City.
29

30 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS**
31 as follows:
32

33 **Section 1: Establishment of Truck Routes Ordinance**
34

35 Chapter 2, Commercial Vehicles/Trucks, of Title 8, Traffic and Vehicles, of the
36 City of South Fulton Code of Ordinances is hereby amended to read as follows:
37

38 **Chapter 2: Commercial Vehicles/Trucks**
39

40 **Sec 8-2001. - Definitions**
41

42 The following definitions are used in administering this chapter.
43

- 44 (a) "Restricted Vehicle" means any Commercial Vehicle, Semi-Trailer, Trailer, or
45 Truck heavier than 26,000 pounds.

46
47 **Sec 8-2002. – Truck Routes Designated**
48

- 49 (a) The following streets and portions of streets, as further identified by posted
50 regulatory signs, and as may be revised from time-to-time by the City police
51 department with the approval of the City Council, are designated and
52 established as designated truck routes and restricted routes:

53
54 [See attached Exhibits of Designated and Restricted Truck Routes and
55 corresponding map, incorporated herein by reference]
56

- 57 (b) Appropriate signs shall be erected indicating the streets that have been
58 designated by ordinance as an official truck routes. Such signs shall meet the
59 requirements of state law and all applicable regulations and shall read “TRUCK
60 ROUTES” in letters not less than four inches in height. Signs shall be posted at
61 all intersections of designated truck routes within the boundary of the City, at
62 off-ramps from the Interstate 285 freeway, 20 and 85, and at any intersection
63 where a turning movement is necessary on a designated truck routes.
64

65 **Sec. 8-2003. - Prohibition on Commercial Vehicles Traveling off Truck**
66 **Routes**
67

68 When truck routes are established pursuant to this Chapter and designated by
69 appropriate signs, the operator of any Restricted Vehicle shall drive said vehicle only on
70 such routes and none other except for the following:
71

- 72 (a) Restricted Vehicles coming from a truck routes having ingress and egress by
73 direct routes to and from a restricted street when necessary for the purpose of
74 providing a direct service requiring the utilization of such vehicles or making
75 pickups and deliveries of goods, wares and merchandise from or to any building
76 or structure located on the restricted street or for the purpose of delivering
77 materials to be used in the actual and bona fide repair, alteration, remodeling
78 or construction of any building or structure upon the restricted street for which
79 a building permit has previously been obtained;
80
81 (b) Restricted Vehicles leaving or returning to its customary storage location at the
82 owner or operator’s personal residence, or a commercial or industrial location
83 in the City, provided the most direct routes to and from a designated truck
84 routes is utilized.
85
86 (c) Vehicles as may be reasonably necessary:

(1) For the operation of authorized emergency vehicles or as otherwise necessary when an emergency has been declared by public officials or public act;

(2) For the purpose of transporting farm or ranch supplies, produce, or animals to and from ranches or farms situated along a street otherwise forbidden to be used by such vehicles,

(3) For the purpose of transporting a trailer used for recreation or noncommercial purposes and/or boat to and from locations along a street otherwise forbidden to be used by such vehicles;

(d) If a delivery or pickup is to be made by a Restricted Vehicle within any area that is not on a designated truck routes; such delivery or pickup shall not be made between the hours of 7:00 a.m. and 7:00 p.m.

Sec. 8-2004. – Parking of restricted vehicles heavier than 26,000 pounds

It shall be unlawful to park any nonmotorized vehicle or conveyance of any motorized Restricted Vehicle designated by the Georgia Department of Public Safety for a license tag in a weight category heavier than 26,000 pounds on the right-of-way of any residential street, ramp, road or highway under the City's jurisdiction or upon residential zoned property, unless said vehicle is making a delivery to said residential property. School buses shall not fall under this section. This section shall not apply to construction vehicles, trailers, or equipment temporarily located within a construction area, provided such vehicles, trailers or equipment are used in connection with dwelling units under construction within such construction area. Any vehicle or conveyance parked in a manner that violates this section shall be considered an abandoned vehicle and a nuisance posing a threat to the public health or safety and shall be subject to removal as otherwise authorized in this Title.

Sec. 8- 2005. - Overnight parking of vehicles heavier than 26,000 pounds

It shall be unlawful for any person to park between the hours of 10:00 p.m. and 6:00 a.m., on the right-of-way of any residential street, ramp, road or highway under the City's jurisdiction, any nonmotorized vehicle or conveyance or any motorized vehicle designated by the Georgia Department of Public Safety for a license tag in any weight category higher than the 26,000 pounds commercial classification. Any vehicle or conveyance parked in a manner that violates this section shall be considered an

abandoned vehicle and a nuisance posing a threat to the public health or safety and shall be subject to removal as otherwise authorized in this Title.

Sec. 8-2006. - Parking or storage of unlicensed, inoperable vehicles, trailers or equipment

Vehicles and trailers of any kind without current license plates shall not be parked or stored on or about any property within a residential zoned district or on the right-of-way of any residential street, ramp, road or highway under the City's jurisdiction. Further, vehicles, trailers or equipment permitted to remain in an inoperable condition for more than 30 days shall not be parked or stored on or about any property within a residential zoned district. Provided, however, this section shall not apply to vehicles, trailers or equipment stored in an enclosed structure or appropriately covered and located in the rear yard area. Any vehicle, conveyance or trailer parked in a manner that violates this provision shall be considered an abandoned vehicle and a nuisance posing a threat to the public health or safety and shall be subject to removal as otherwise authorized in this Title.

Sec. 8-2007. – Penalties for Violation of Chapter.

- (a) Any person who violates this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Sec. 8-1002.; and each occurrence shall be deemed a separate offense. These penalties shall be separate and apart from any costs associated with the removal, towing, seizure, holding or storage of an offending vehicle authorized elsewhere in this article.
- (b) Except as otherwise provided by law, it is unlawful for the owner or any other person renting or leasing a vehicle to the driver, employing the driver or otherwise directing the driver of any vehicle to require or permit the operation of the vehicle upon a street or highway in any manner contrary to any ordinance contained within this Chapter. Fines for unlawful operation or parking of rented or leased vehicles may be assessed against the company renting or leasing the vehicle to an individual or company.
- (c) Any person authorized by state law or by City Charter, ordinance, or resolution to enforce this Chapter may remove an offending vehicle from any road, right-of-way or other public property or have an offending vehicle that is parked on any road, right-of-way or other public property towed to an appropriate location immediately upon its discovery. The notice provisions of O.C.G.A. § 40-11-3 shall be followed as to any vehicle so removed. The owner of the offending vehicle so removed shall be responsible for all reasonable costs

168 associated with the removal or towing of the offending vehicle and any required
169 storage thereof. Any person authorized by state law or by City Charter,
170 ordinance, or resolution to enforce this article may seize an offending vehicle
171 from any road, right-of-way or other public property and may hold such vehicle
172 until any and all fines imposed upon the owner of the offending vehicle based
173 on the violation(s) are paid in full and any and all costs associated with the
174 removal or towing of the offending vehicle and any required storage thereof
175 have been satisfied in accordance with O.C.G.A. § 40-11-2. Neither the City nor
176 any person authorized by state law or by City Charter, ordinance, or resolution
177 to enforce this article shall be liable for any damage or loss when an offending
178 vehicle or a vehicle reasonably considered to be offending at the time
179 enforcement action was taken is removed, towed, seized, held or stored in
180 accordance with this provision.

181
182 (d) Nothing in this Chapter is intended to allow or shall be interpreted to allow the
183 removal, towing, seizure, holding or storage of any offending vehicle located on
184 private property unless and to the extent such actions are otherwise authorized
185 in state law.

186
187 (e) For purposes of enforcing the provisions of this section, any City of South
188 Fulton Municipal Court or courts having jurisdiction over state traffic offenses
189 or other courts having jurisdiction over violations of City ordinances shall be
190 entitled to take such action to ensure compliance, and the person convicted
191 shall reimburse the City for any cost or expense associated with such
192 compliance efforts and the City shall be entitled to place a lien on the property
193 or require a bond from the person to secure payment and reimbursement for
194 these expenses.

195 *****

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198 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that:

199 (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance
200 are or were, upon their enactment, believed by the City Council to be fully valid,
201 enforceable and constitutional.

202 (b) To the greatest extent allowed by law, each and every section, paragraph,
203 sentence, clause or phrase of this Ordinance is severable from every other section,
204 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
205 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
206 section, paragraph, sentence, clause or phrase of this Ordinance.

207 (c) In the event that any phrase, clause, sentence, paragraph or section of this
208 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or

209 otherwise unenforceable by the valid judgment or decree of any court of competent
210 jurisdiction, it is the express intent of the City Council that such invalidity,
211 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
212 render invalid, unconstitutional or otherwise unenforceable any of the remaining
213 phrases, clauses, sentences, paragraphs or sections of this Ordinance.

214 **Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby
215 expressly repealed.

216 **Section 4.** The effective date of this Ordinance shall be the date of adoption unless
217 provided otherwise by the City Charter or state and/or federal law.

218
219 **Section 5. Instruction to City Clerk.** Unless vetoed, the City Clerk is hereby
220 directed to forward a copy of this Ordinance to the Chief Judge, Solicitor, Public
221 Defender and Police Chief.

The foregoing Ordinance No. **2018-038**, adopted on **September 11, 2018** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Jackson**, and being put to a vote, the result was as follows:

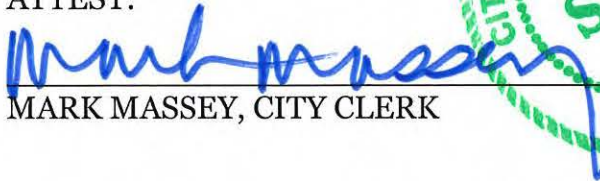
	AYE	NAY
William "Bill" Edwards, Mayor		
Mark Baker, Mayor Pro Tem	√	
Catherine Foster Rowell	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard	√	
Rosie Jackson	√	
khalid kamau		√

THIS ORDINANCE adopted this 11th day of **September 2018**. **CITY OF SOUTH FULTON, GEORGIA.**



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



ITEM# ord 2018-038 DATE 9 / 11 / 2018

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY

City of South Fulton
PROPOSED Designated Truck Routes

Principal Arterials

Corridor	From	To
Camp Creek Parkway (SR 6)	Chattahoochee River	East Point City Limits
Jonesboro Road (SR 138)	Union City Limits	Clayton County
Roosevelt Highway (US29, SR 14)	Union City Limits	South Fulton Parkway (US 29ALT, SR 14 ALT)
South Fulton Parkway (US 29ALT, SR 14 ALT)	Chattahoochee Hills City Limits	Union City Limits

Minor Arterials

Corridor	From	To
Campbellton-Fairburn Road (SR 92)	Chattahoochee River	Fairburn City Limits
Campbellton Road (SR154)	Chattahoochee River	Atlanta City Limits
Cascade Palmetto Highway (SR154)	Palmetto City Limits	Campbellton-Fairburn Road (SR 92)
Fulton Industrial Blvd (SR 70)	Campbellton Road (SR154)	Atlanta City Limits
Martin Luther King Blvd (SR 139)	Chattahoochee River	Atlanta City Limits
Old National Highway (SR 279)	Fayette County Line	College Park City Limits
Roosevelt Highway (US29, SR 14)	Palmetto City Limits	Fairburn City Limits
Roosevelt Highway (US29, SR 14)	South Fulton Parkway (US 29ALT, SR14 ALT)	College Park City Limits
<u>Buffington Road</u>	<u>Royal South Parkway</u>	<u>Roosevelt High (US29, SR14)</u>
<u>Cascade Palmetto Highway</u>	<u>Campbellton-Fairburn Road (SR92)</u>	<u>Campbellton Road (SR154)</u>
Cascade Road	Fulton Industrial Blvd	Westpark Drive
<u>Cascade Road</u>	<u>Fairburn Road</u>	<u>Atlanta City Limits</u>
<u>Fairburn Road</u>	<u>Cascade Road</u>	<u>Atlanta City Limits</u>
<u>Stonewall Tell Road</u>	<u>Roosevelt Highway (US29, SR14)</u>	<u>Union City Limits</u>
<u>Welcome All Road</u>	<u>Roosevelt Highway (US29, SR14)</u>	<u>South Fulton Parkway Bridge</u>

Collectors

Corridor	From	To
<u>Cedar Grove Road</u>	<u>South Fulton Parkway</u>	<u>Union City City Limits</u>
<u>Derrick Road</u>	<u>Union City City Limits</u>	<u>South Fulton Parkway</u>
Merk Road	Aldredge Road	Camp Creek Parkway (SR 6)

REVISED – SEPTEMBER 6, 2018

Oakley Industrial Blvd	Fairburn City Limits	Union City Limits
Riverside Road	Campbellton Road (SR166)	Plummer Road

REVISED -- SEPTEMBER 6, 2018

City of South Fulton
PROPOSED Truck Restricted Routes

Minor Arterials

Corridor	From	To
Bethsaida Road	Jonesboro Road (SR 138)	Clayton County Line
Buffington Road	Flat Shoals Road	Roosevelt Highway (US29, SR 14) Royal South Parkway
Butner Road	Campbellton-Fairburn Road (SR92)	Atlanta City Limits
Cascade Palmetto Highway	Campbellton-Fairburn Road (SR 92)	Campbellton Road (SR154)
Cascade Road	Westpark Drive	Atlanta City Limits Fairburn Road
Cochran Mill Road (only a portion in CoSF)	Cascade Palmetto Highway (SR 154)	Rivertown Road
Fairburn Road	Garrison Drive (Atlanta City Limits)	CSX Railroad/Atlanta City Limits Cascade Road
Flat Shoals Road	Union City Limits	Clayton County Line
Old Fairburn Road	Union Road	Atlanta City Limits
Ridge Road	Cascade-Palmetto Highway (SR 154)	Campbellton-Fairburn Road (SR92)
Rivertown Road	Chattahoochee Hills City Limits	Fairburn City Limits
Stonewall Tell Road	Roosevelt Highway (US29, SR14)	Union City Limits
Stonewall Tell Road	Union City Limits	Campbellton Road (SR14)
Welcome All Road	Roosevelt Highway (US29, SR14) South Fulton Parkway Bridge	East Point City Limits

Collectors

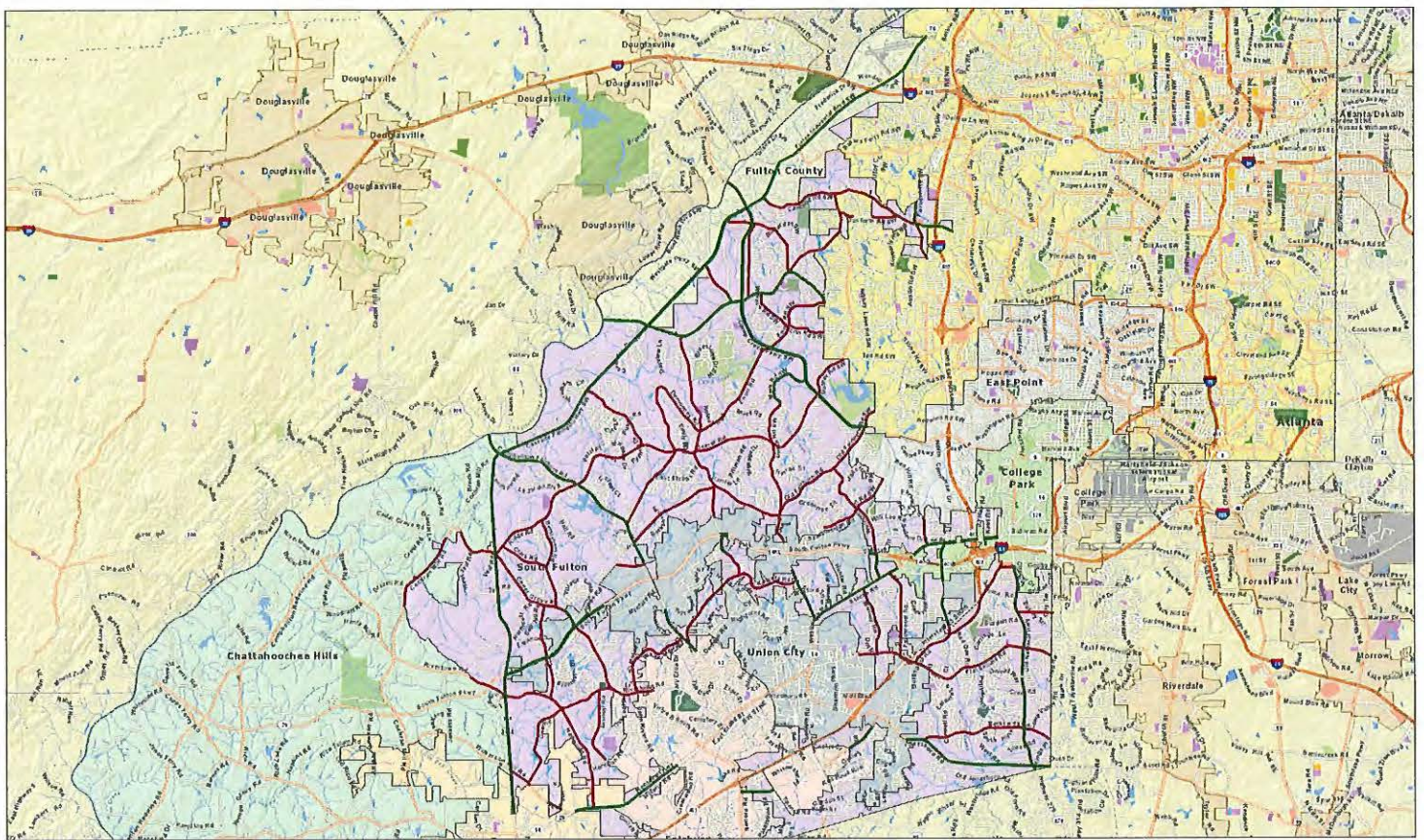
Corridor	From	To
Ben Hill Road	Roosevelt Highway (US29, SR14)	Will Lee Road
Bethlehem Road	Cedar Grove Road	Ridge Road
Bishop Road	Herndon Road	Rivertown Road
Boat Rock Road	Fulton Industrial Blvd (SR 70)	Campbellton Road (SR 154)
Cedar Grove Road	Cochran Mill Road	Union City City Limits Rivertown Road
Cedar Grove Road	South Fulton Parkway	Rivertown Road
Clark Road	Ridge Road	Bethlehem Road

REVISED – SEPTEMBER 6, 2018

Danforth Road	New Hope Road	Atlanta City Limits
Danforth Road	Atlanta City Limits	Cascade Road
Demooney Road	Campbellton-Fairburn Road (GA92)	Butner Road
Demooney Road	Butner Road	Stonewall Tell Road
Derrick Road	Koweta Road	Jones Road Union City City Limits
Derrick Road	South Fulton Parkway	Jones Road
Enon Road	Stonewall Tell Road	Campbellton Road (SR 154)
Erin Road	Enon Road	Atlanta City Limits
Feldwood Road	Flat Shoals Road	Roosevelt Highway (US29, SR14)
Godby Place	Old Bill Cook Road	Godby Road
Hall Road (unpaved)	Jones Road	Campbellton Fairburn Road (SR 92)
Hobgood Road	Roosevelt Highway (US29, SR14)	Rivertown Road
Jaillette Road	Scarborough Road/Welcome All Road	Thaxton Road
Jones Road	Campbellton Fairburn Road (SR 92)	Stonewall Tell Road
Koweta Road	Campbellton Fairburn Road (SR 92)	Stonewall Tell Road
Mallory Road	Flat Shoals Road	Roosevelt Highway (US29, SR14)
Merk Road	Miles Road	Aldredge Road
New Hope Road	Boat Rock Road	Cascade Road
Old Bill Cook Road	Buffington Road	Old National Highway (SR 279)
Ono Road	Wilkerson Mill Road	Hobgood Road
Pleasant Hill Road	Old National Highway (SR 279)	Clayton County Line
Reynolds Road	Campbellton Road (SR 154)	Boat Rock Road
Riverside Drive	Campbellton Road (SR 154) Plummer Road	Fulton Industrial Boulevard (SR 70)
Scarborough Road	Mason Road	Welcome All Road
Short Road	Rivertown Road	Cedar Grove Road
Thaxton Road	Jaillette Road	Old Fairburn Road
Union Road	Stonewall Tell Road	Miles Road
Wallace Road	Enon Road	Campbellton Road (SR 154)
West Stubbs Road	Butner Road	Cascade Palmetto Highway
White Mill Road	Rivertown Road	Campbellton Fairburn Road (SR 92)
Wilkerson Mill Road	Cascade Palmetto Highway (SR154)	Palmetto City Limits

All Other Residential Roads

REVISED -- SEPTEMBER 6, 2018



Proposed Truck Routes and Restrictions **City of South Fulton**

Author: GIS Section
 Water Resources
 Fulton County Government
 Date: 6/15/2018
 Map Size: 24" x 36"

Map Key

- Restricted Route
- Allowed Route

0 1.25 2.5 Miles

Document Path: C:\GIS\MapServer\MapFiles\ProposedTruckRoutes\ProposedTruckRoutes_20180615.mxd

1 **STATE OF GEORGIA**
2 **FULTON COUNTY**

3
4 **RESOLUTION NO. _____**
5

6 **A RESOLUTION CONCURRING WITH THE REGULATIONS AND RESTRICTIONS**
7 **IN ORDINANCE NUMBER 2018-038 ADOPTED BY THE CITY OF SOUTH FULTON,**
8 **GEORGIA ON SEPTEMBER 11, 2018 AND FOR OTHER PURPOSES.**
9

10 **WHEREAS**, in April 2016, the Governor signed into law Act 421, legislation that
11 created the City of South Fulton (the “City”) within the geographic boundaries of Fulton County
12 (the “County”);

13 **WHEREAS**, the Governor thereafter signed into law Act 407 that amended certain
14 provisions in Title 32 (Highways, Bridges and Ferries) of the Official Code of Georgia;

15 **WHEREAS**, Act 407 amended O.C.G.A. §32-4-42, a provision delineating the powers
16 of a county with respect to the county’s road system, to include the following language:

17 Municipalities whose incorporating Acts became of full force and effect on or
18 after May 1, 2017, but prior to January 1, 2019, shall not establish or maintain
19 restrictions on access by commercial motor vehicles as defined in paragraph (8.3)
20 of Code Section 40-1-1 to portions of the road system providing access to
21 commercial driveways as defined in Code Section 32-6-130, except as to the
22 applicable road system, exceeding any county restrictions in effect on such
23 portions on the date of incorporation unless such county by ordinance or
24 resolution concurs on such restriction.
25

26 **WHEREAS**, on September 11, 2018, the City’s governing authority adopted Ordinance
27 No. 2018-038 that designated the public roadways within the municipal limits of the City upon
28 which commercial motor vehicles could and could not travel (the “Truck Ordinance”);

29 **WHEREAS**, the City has relayed to the County its opinion that, in light of Act 407, the
30 City cannot maintain all of the restrictions set forth in the Truck Ordinance unless the County, by
31 ordinance or regulation, concurs with those restrictions;

32 **WHEREAS**, the County, after fully considering the restrictions contained in the Truck
33 Ordinance, concurs with those regulations and desires to state its assent in a manner that
34 complies with Act 207 and allows the City to fully enforce the Truck Ordinance.

35 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF**
36 **COMMISSIONERS OF FULTON COUNTY, GEORGIA AS FOLLOWS:**

37 **Section 1. Declaration of Concurrence.** After fully considering the regulations in
38 Ordinance No. 2018-038 that was adopted by the governing authority of the City of South
39 Fulton, Georgia on September 11, 2018, the Board of Commissioners of Fulton County, Georgia
40 hereby resolves that it concurs with all regulations and restrictions contained in said legislation
41 and also concurs with the full enforcement by the City of South Fulton, Georgia of those
42 regulations and restrictions as to the operation of commercial motor vehicles on the public
43 roadways within its municipal limits.

44 **Section 2. Documents.** The Board of Commissioners of Fulton County, Georgia
45 further resolves that the Clerk to the Board of Commissioners is authorized to execute, attest to,
46 and seal any documents which may be necessary to effectuate this Resolution, subject to
47 approval as to form by the Fulton County Attorney.

48 **Section 3. Severability.** The Board of Commissioners of Fulton County, Georgia
49 further resolves that, to the extent any portion of this Resolution is declared to be invalid,
50 unenforceable, or non-binding, such declaration shall not affect the remaining portions of this
51 Resolution.

52 **Section 4. Repeal of Conflicting Provisions.** The Board of Commissioners of
53 Fulton County, Georgia further resolves that all Resolutions and parts of Resolutions in conflict
54 herewith are hereby expressly repealed.

55 **Section 5. Effective Date.** The Board of Commissioners of Fulton County, Georgia
56 further resolves this Resolution shall become effective upon its adoption unless provided
57 otherwise by state and/or federal law.

58 **SO PASSED AND ADOPTED**, this _____ day of _____, 2018.

59 **FULTON COUNTY, GEORGIA BOARD OF COMMISSIONERS**
60
61
62

63 By: _____
64 Robert L. Pitts, Chairman
65

66
67 ATTEST:
68
69
70

71 _____
72 Tonya Grier, Interim
73 Clerk to the Board of Commissioners
74

75
76 APPROVED AS TO FORM:
77
78
79

80 _____
81 Patrise Perkins-Hooker, County Attorney