



CITY OF STONECREST, GEORGIA

CITY COUNCIL WORK SESSION – AGENDA

3120 Stonecrest Blvd. Stonecrest, GA 30038

Monday, February 14, 2022 at 6:00 PM

Council Member Tara Graves – District 1 Council Member Rob Turner – District 2

Council Member Jazzmin Cobble – District 3 Mayor Pro Tem George Turner – District 4

Council Member Tammy Grimes – District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, City Clerk

III. AGENDA DISCUSSION ITEMS

a. For Discussion - Election Cycle - *Winston Denmark*

b. For Discussion - 2022 Lobbyist - *Mayor Pro Tem George Turner*

c. For Discussion - Audit Change Order - *Mayor Pro Tem George Turner*

d. For Discussion - Municode Update - *Aisha Harris*

e. For Discussion - IDI Update - *Jim Summerbell*

f. For Discussion - Purchasing Card Policy Revision - *Gia Scruggs*

g. For Discussion - Purchasing Policy Revision - *Gia Scruggs*

h. For Discussion - Travel Policy Revision - *Gia Scruggs*

i. For Discussion - Financial Report - *Gia Scruggs*

j. For Discussion - TMOD-22-008 - *Keedra T. Jackson*

k. For Discussion - Creation of Transportation Committee - *Mayor Pro Tem George Turner*

l. Announcement - Stonepoint Development - *Mayor Pro Tem George Turner*

IV. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

V. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: Election Cycle

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 - NEW BUSINESS OTHER, PLEASE STATE: UPDATE
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 - OTHER, PLEASE STATE: UPDATE
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 01/10/22

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Alicia Thompson

PRESENTER: Winston Denmark

PURPOSE: With the recent vacancy within the office of the Mayor, the City is required to hold a special election to fill this role.

FACTS: Staff in concert with the City Attorney’s office will be making the necessary arrangements for a special election later this year to address the recent vacancy within the office of the City’s Mayor. We are offering the Council an update on this process.

OPTIONS: Update Only

RECOMMENDED ACTION: Discussion only



CITY COUNCIL AGENDA ITEM

SUBJECT: 2022 LOBBYIST

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 - NEW BUSINESS OTHER, PLEASE STATE: Discussion
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 - OTHER, PLEASE STATE: Discussion
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To discuss the need for and possible interest in retaining lobbyist services for the City in 2022.

FACTS: The City may wish to engage a lobbyist to represent its interests at the State level. The purpose of this discussion is to gauge Council’s interest in retaining a lobbyist, what issues are of concern to the City, and the best method of obtaining lobbying services.

OPTIONS: Discussion only

RECOMMENDED ACTION: Discussion only



CITY COUNCIL AGENDA ITEM

SUBJECT: AUDIT CHANGE ORDER

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Discussion
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Discussion
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Doug Moses, CPA, Mauldin and Jenkins

PURPOSE: To discuss a change order to the external audit being performed by Mauldin and Jenkins.

FACTS: Change Order for Audit Service - Up to \$20,000 for additional audit procedures required for the single audit of the CARES Program as of December 31, 2020. Mauldin and Jenkins is performing an external audit of the City's finances. As part of this process, they are requesting a change order for additional work outside of their established scope of services. The need for these additional services will be discussed by the Council.

OPTIONS: Discussion only

RECOMMENDED ACTION: Discussion only



CITY COUNCIL AGENDA ITEM

SUBJECT: Municode Update

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Keidra Harris, Office Manager

PRESENTER: Aisha Harris

PURPOSE: To provide the Council with an update on Municode and website live expectations.

FACTS: The remaining historical data was submitted to Municode prior to the December holiday. Once codification is complete and the website is live, Council will be able to view pending ordinances.

OPTIONS: Update Only



CITY COUNCIL AGENDA ITEM

SUBJECT: Update on IDI Plans for the Stonecrest Logistics Center

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Monday, February 7, 2022

Current Work Session: **Monday, February 14, 2022**

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: **Jim Summerbell**

PURPOSE: To update the City Council on the plans for the proposed Stonecrest Logistics Center.

FACTS: IDI Logistics is proposing to build a 1.9 million square foot warehouse center at the end of Stonecrest Industrial Way, next to the new Home Depot Distribution Center. Staff have submitted a Development of Regional Impact application with the Atlanta Regional Commission (DRI # 3584) and is reviewing the zoning conditions placed on the subject property in 1981 by DeKalb County to determine if a rezoning will be needed to change the conditions.

OPTIONS: N/A

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

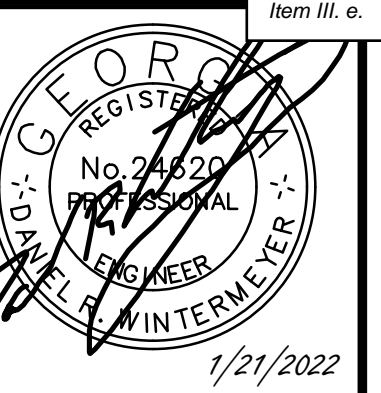
(1) Attachment 1 - DRI Site Plan for IDI Logistics

OWNER / DEVELOPER:
 IDI LOGISTICS
 1197 PEACHTREE STREET NE
 SUITE 600
 ATLANTA, GA 30361
 PHONE: (770) 866-1117
 CONTACT: GARY MINOR

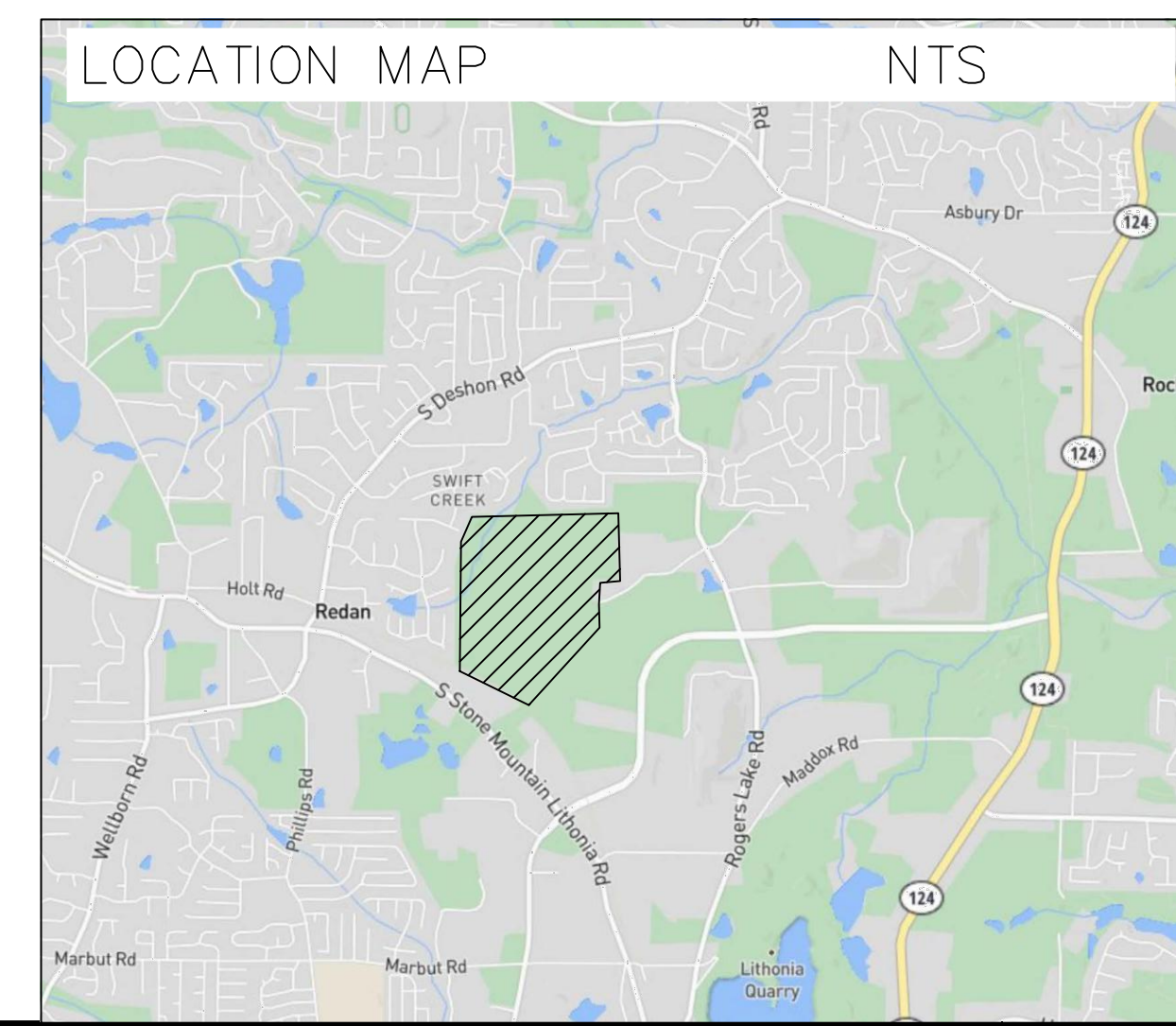
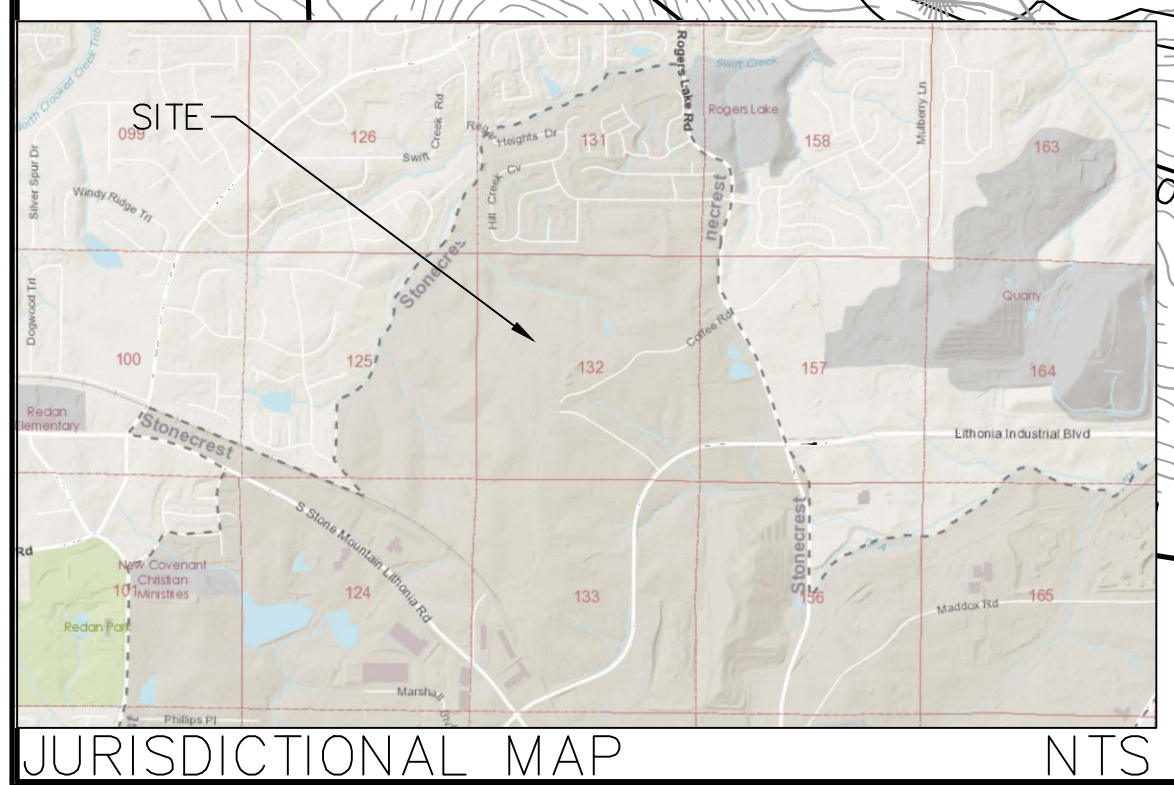
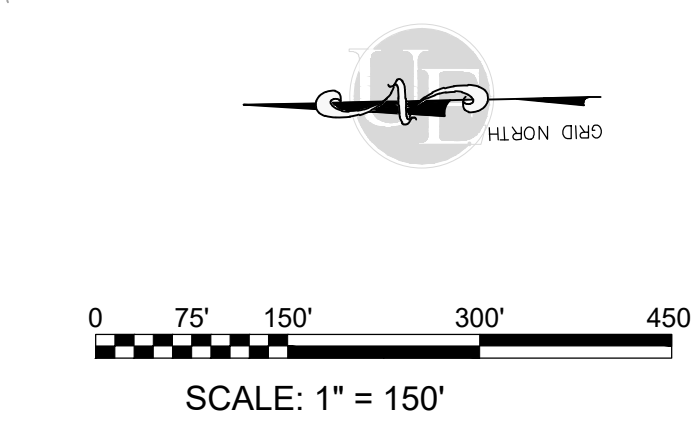
TRAFFIC ENGINEER:
 NV5
 1255 CANTON STREET
 SUITE G
 ROSWELL, GA 30075
 PHONE: (678) 795-3649
 CONTACT: NAVEED JAFFAR

CIVIL ENGINEER:
 URBAN ENGINEERS
 1904 MONROE DRIVE
 SUITE 150
 ATLANTA, GA 30324
 PHONE: (404) 873-5874
 CONTACT: DANIEL WINTERMEYER, P.E.

- PROJECT DATA:
- DRI NUMBER:
 - SITE AREA = 138.117 ACRES +/-
DISTURBED AREA = 105 ACRES
FLOOR AREA RATIO = .30
 - PARKING:
REQUIRED PER ZONING: 1,904,300 sf @ 1/1,500 SF = 1,270
PROPOSED:
STANDARD: 1,260
HANDICAPPED: 26
TOTAL: 1,286
TOTAL TRAILER DROPS: 780
 - ROADWAY INFO:
STONECREST INDUSTRIAL WAY: 2 LANE ASPHALT
 - NO DEDICATED OPEN SPACE
 - BIKE PARKING PROPOSED: TBD
 - ELECTRIC CHARGING STATIONS: TBD
 - BUILDING USAGE BREAKDOWN:
OFFICE: 57,129 SF
WAREHOUSE: 1,847,171 SF
TOTAL: 1,904,300 SF
 - DOMESTIC WATER PROVIDED BY DEKALB COUNTY
 - GRAVITY FEED SANITARY SEWER PROVIDED BY DEKALB COUNTY



Urban Engineers, Inc.
 1904 MONROE DRIVE, N.E., SUITE 150
 ATLANTA, GEORGIA 30324
 PHONE: (404) 873-5874
 www.urbanengineers.net



DATE	DESCRIPTION
01/25/2021	REVISED BLDG 1

DRI SITE PLAN
 IDI
 STONECREST INDUSTRIAL WAY
 STONECREST, GA

PROJECT No.	22112-7
LAND LOT(S)	124, 125 & 132
DISTRICT	16TH
COUNTY	DEKALB
SCALE	1" = 150'
DATE	12-30-21

DRAWING NO.:
C-1.0

U:\P\22112\127 - Stonecrest\22112\127 - Concept Plan.dwg
 1/21/2022 11:58 AM





CITY COUNCIL AGENDA ITEM

SUBJECT: Purchasing Card Policy Revision

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, February 14, 2022

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: After the Financial Oversight Committee was presented with the Purchasing Policy, they agreed with the staff recommendation to the remove the Purchasing Card Policy from the Purchasing Policy and having it as a separate policy. The Financial Oversight Committee also made additional recommendations to staff for potential policy revisions.

FACTS: The Purchasing Card Policy is currently an appendix in the Purchasing Policy but is recommended to be removed and converted to a stand-alone policy document. The Finance Director is presenting proposed changes to the Purchasing Card Policy for discussion with the City Council. The most substantial changes to this policy include the following: deletion of the Purchasing Policy components, leaving applicable definitions for the policy, removal of the Accounting Manger title for the list of officials authorized to be issued a purchasing card, and update to the language reflecting state law that pertains to employees rather than elected officials

OPTIONS: Discussion only Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Discussion only [Click or tap here to enter text.](#)

ATTACHMENTS:

- (1) Attachment 1 - Draft Purchasing Card Policy Revisions
- (2) Attachment 2 - Purchasing Card Revision Chart
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)



PURCHASING CARD POLICY

LAST REVISED: 02.14.22

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DISCLAIMER OF LIABILITY FOR IMPROPER PURCHASING: THE CITY DISCLAIMS ANY AND ALL RESPONSIBILITY AND LIABILITY FOR ANY PURCHASE, EXPENDITURE, PROMISE OR AGREEMENT FOR EXPENDITURE ARISING FROM ANY PROCUREMENT MADE IN ITS NAME OR IN THE NAME OF ANY AGENCY, AUTHORITY, COMMISSION, OR OTHER GOVERNMENTAL BODY UNDER ITS AUTHORITY, BY AN UNAUTHORIZED PERSON OR ANY PERSON ACTING IN VIOLATION OF THIS PURCHASING POLICY OR OUTSIDE OF THE AUTHORIZATION OR DELEGATION AS PROVIDED BY THIS POLICY. THE EXPENSE OF ANY SUCH TRANSACTION SHALL BECOME THE PERSONAL LIABILITY OF THE INDIVIDUAL AT FAULT UNLESS OTHERWISE RATIFIED OR EXEMPTED BY MAYOR AND COUNCIL.

SECTION I – DEFINITIONS

When used in this policy, the following words, terms and phrases, and their derivations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. CITY means the City of Stonecrest and, as the context warrants, those persons or bodies authorized to act on its behalf, including, but not limited to, the City Council, committees, boards and staff.
- B. CITY ETHICS POLICY shall mean Article X, Ethics, of Chapter 2, Administration, of the Code of the City of Stonecrest, Georgia.
- C. CITY FINANCE DIRECTOR/FINANCE DIRECTOR means the City Accountant as described in the City Charter, his agent, or the department head of the City Finance Department, if such a department is in existence.
- D. EMPLOYEE means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the City Council without regard to whether or not such individuals are compensated. For purposes of this Purchasing Policy the term “employee” shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the City to provide administrative and department services contemplated in Section 2.12 of the Charter of the City.
- E. EMERGENCY PURCHASES means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency.
- F. EMERGENCY means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.
- G. GOODS or COMMODITIES means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities other than Capital Assets.
- H. GOVERNING AUTHORITY means the Mayor and City Council of the City of Stonecrest or its designee(s).
- I. OFFICIAL means any City elected or appointed person who holds office or any person appointed by the mayor and council of the City to serve on (1) the planning commission of

the City, (2) any board or commission of the City having quasi-judicial authority; and, (3) any authority created by the City, either individually or jointly with other local governments pursuant to Georgia law.

- J. PERSON means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.

- K. PURCHASING is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the City. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.

- L. PURCHASING AGENT means the principal purchasing official of the City who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.

- M. REQUISITION means an internal document, provided by a department to the Purchasing Agent that contains the fund source, approvals, descriptions, quantities and other information about the Goods, Capital Assets, Real Estate, Services, Construction Services or Professional Services in order to proceed with the procurement. The Requisition becomes valid when properly completed and approved.

- N. SERVICES mean any performance of effort or labor, for which the City has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, landscaping, and street striping.

- O. THE REQUESTING DEPARTMENT/DIVISION (User) is defined as the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and need date. The User is responsible for funding the need and advising Purchasing of the approved funding and the specific budget account number. The User is responsible for authorizing the purchases of all materials, services, repairs, leases and rentals in which the negotiated price exceeds the approved funding.

SECTION II - GENERAL PROVISIONS

A. Authority

The Georgia General Assembly established guidelines and penalties into the Official Code of Georgia Annotated (“O.C.G.A.”) which provides that no municipal corporation shall issue government purchasing cards or government credit cards to elected officials on or after January 1, 2016, until the governing authority of the municipal corporation, by public vote, has authorized the issuance and has promulgated specific policies regarding the use of such government purchasing cards or government credit cards for elected officials of such municipal corporation.

B. Purpose

The purpose of this policy is to set requirements and standards for the City of Stonecrest, Georgia Purchasing Card Program. The policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for employees using such purchasing cards. At no time should a city issued purchasing card or credit card be used for personal purchases regardless of the circumstances. Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to official city business may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a government purchasing card or government credit card must be in accordance with these guidelines and with state law.

C. Scope

This purchasing card policy, as required by state law under O.C.G.A. § 36-80-24(c), applies to the use of government purchasing cards or government credit cards used by elected officials authorized to be issued such government purchasing cards or government credit cards. The below list of officials have been authorized by the governing authority of the City to use such government purchasing cards or government credit cards and must abide by all of the applicable state laws and this purchasing card policy.

1. City Manager or designee
2. City Chief Financial Officer or designee

D. Public Inspection

In accordance with O.C.G.A. § 36-80-24(c) any documents related to purchases using government purchasing cards or government credit cards incurred by elected officials shall be available for public inspection.

E. Transaction Limits

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit

line. Individual monthly card limits cannot exceed those established by the municipal governing authority. The established single transaction limit for each card must be less than \$1,000.00. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$5,000.00 per month; provided however the monthly transaction limit for the City Manager shall not exceed \$25,000.00. Any exceptions to the standardized limits must have express written approval by the municipal governing authority and must be added to this policy by amendment or addendum. Changes in spending limits shall be submitted to the Purchasing Agent along with the rationale for the change (increase or decrease) with a copy to the Finance Director and City Manager.

F. Purchasing Restrictions

1. Purchasing Card Holders may not use a government purchasing card or government credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.
 - c. Any transaction amount greater than the transaction limits set for by this policy.
 - d. Items specifically restricted by this policy, unless a special exemption is granted by the municipal governing authority.
 - e. Alcohol or liquor of any kind. Such purchases should not be made with the purchasing card and may not be reimbursed by the city.
 - f. Purchases or transactions made with the intent to circumvent the city purchasing policy, transactional limits, or state law.
 - g. Participation in loyalty points programs is prohibited with the purchasing card.

2. Purchasing Card Holders may use government purchasing cards or government credit cards to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:
 - a. Purchases of items for official city use which fall within the transactional restrictions of this policy.
 - b. Purchase of lodging, fuel, food, non-alcoholic beverages, or education and training materials while on city business.
 - c. Emergency purchases necessary to protect city property.

G. Administrator

The city designates the Purchasing Agent as the program administrator of government purchasing cards or government credit cards. Such administrator shall:

1. Serve as a liaison between the city's cardholders and the issuers of such cards.
2. Maintain the cardholder agreement for all cardholders.
3. Provide instruction, training, and assistance to cardholders
4. Maintain account information and secure all cardholder information.
5. Keep cardholders up-to-date on new or changing information.

6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to appropriate parties, including the issuer.
7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
9. Identify any changes to named persons authorized to use a government purchasing card or government credit card.
10. Shall immediately cancel the purchasing card upon employee's termination or resignation.
11. Upon official notification of an impending departure from the City, the respective card holder's card limit shall be reduced to zero.
12. Shall place purchasing card holder's card on an inactive status while employees are on leave.
13. Shall not be assigned a purchasing card.
14. Any other duties assigned by the municipal governing authority.

H. Accounting and Auditing

- I. The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly and/or quarterly reviews and audits of all government purchasing card or government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and through corrective measures assist the city with improving compliance. By the last day of the month, a requisition form, all transaction receipts and supporting documentation must be emailed to the appropriate finance staff. The monthly and/or quarterly review shall happen within 10 days of the start of the new month or quarter. , and . Reconciliation to the General ledger shall occur monthly. The internal auditor shall review approval process for compliance at interval described in the audit work plan. If reoccurring software subscriptions are paid with a purchasing card, the Information Technology manager shall maintain and provide to the finance department a listing of all monthly reoccurring charges. After completing the monthly/quarterly audit, the Administrator shall notify cardholders of any violations or questions the Administrator has that occurred within that previous month/quarter. Depending on the severity of the violation, the Administrator may suspend or revoke the use of the government purchasing card or government credit card after notification to the cardholder and to the municipal governing authority, but only after consultation with the city attorney. Any unresolved violations should be reported to the municipal governing authority and the city attorney in writing within 5 business days **Violations**

Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to such official city business may result in disciplinary action including, but not limited to, felony criminal prosecution. The use of a government purchasing card or government credit card may be suspended or revoked when the Administrator, after consultation with the city attorney, determines that the cardholder has violated the

approved policies or state law regarding the use of the government purchasing card or government credit card. Issuing or facilitating issuance of a purchasing card to an unauthorized person, possession of a purchasing card by an unauthorized person, and any other violation stated herein shall be subject to disciplinary action up to and including termination. The Administrator shall follow guidance from the code reference in sections C and D above.

J. Agreement

Before being issued a government purchasing card or government credit card under this policy and state law, all authorized users of government purchasing cards or government credit cards shall sign and accept below indicating that such user will use such cards only in accordance with the policies of the city and with the requirements of state law. The Cardholder shall be responsible for all charges associated with the purchasing card and will maintain possession with adequate safeguards in place to prevent unauthorized use.

Name Printed

Signature

Date:



Purchasing Card Policy Amendment Recommendations 02.14.22

<u>Staff/Financial Oversight Committee Recommendations</u>	<u>Proposed Amendment Section</u>	<u>Proposed Language</u>
Deletion of Purchasing Card Policy from the Purchasing Policy		
Update applicable definitions of the purchasing card policy	Section I- Definitions - various	various deletions
Removal of the Accounting Manager Title from the list of officials authorized to to have a purchasing card	Section II- General Provisions C.	Delete Accounting Manager, add or City Manager Designee
Update language to reflect state law that pertains to employees instead of Elected officials	Section II - General Provisions C. Scope and D. Public Inspection	TBD by City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Purchasing Policy Revision

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): 06/17/21

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: After the Financial Oversight Committee was presented with the Purchasing Policy, the City Attorney and Finance Department had additional revisions for incorporation into the policy.

FACTS: Based on recommendations from the Financial Oversight Committee, the City Attorney and City staff, the Finance Director is presenting proposed changes to the Purchasing Policy for discussion with the City Council. The most substantial changes to this policy include the removal of the Purchasing Card Policy (Appendix B) so that it may instead be a stand-alone policy, an increase to the amendment/change order amount from \$2,500 to \$25,000, the addition of the approval of computer hardware/software purchases marketing/media content being approved by the Communications/IT Director and clarifying language regarding completion of due diligence items prior to requesting a resolution from the City Council. The Council’s questions and feedback on the proposed policy changes are being sought.

OPTIONS: Discussion only

RECOMMENDED ACTION: Discussion only



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Draft Purchasing Policy Revisions
- (2) Attachment 2 - Policy Revision Chart



PURCHASING POLICY

LAST REVISED: draft 02.14.22

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DISCLAIMER OF LIABILITY FOR IMPROPER PURCHASING: THE CITY DISCLAIMS ANY AND ALL RESPONSIBILITY AND LIABILITY FOR ANY PURCHASE, EXPENDITURE, PROMISE OR AGREEMENT FOR EXPENDITURE ARISING FROM ANY PROCUREMENT MADE IN ITS NAME OR IN THE NAME OF ANY AGENCY, AUTHORITY, COMMISSION, OR OTHER GOVERNMENTAL BODY UNDER ITS AUTHORITY, BY AN UNAUTHORIZED PERSON OR ANY PERSON ACTING IN VIOLATION OF THIS PURCHASING POLICY OR OUTSIDE OF THE AUTHORIZATION OR DELEGATION AS PROVIDED BY THIS POLICY. THE EXPENSE OF ANY SUCH TRANSACTION SHALL BECOME THE PERSONAL LIABILITY OF THE INDIVIDUAL AT FAULT UNLESS OTHERWISE RATIFIED OR EXEMPTED BY MAYOR AND COUNCIL.

SECTION I – GENERAL PROVISIONS

(1) PURPOSE AND OBJECTIVE

The purpose of this policy is to state the City’s position regarding the responsibility and authority for the acquisition and contracting for Goods, Services, Professional Services, Real Estate, and Capital Assets. This policy will clarify purchasing functions and outline purchasing policies, as well as describe departmental relationships, responsibilities and participation in the procurement cycle. Moreover, this policy will provide control functions, assure proper record keeping and confirm purchases in writing to allow the City to meet the following goals:

- A. Ensure that tax dollars are spent in the most economical way;
- B. Maintain at all times and under all conditions a continuous supply of Goods and Services necessary for the operation of the City;
- C. Encourage and promote fair and equal opportunity for all persons doing, or seeking to do, business with the City;
- D. Safeguard the quality and integrity of the City's procurement process;
- E. Ensure compliance with laws and regulations pertaining to procurement;
- F. Manage procurement and inventories of purchased Goods to meet the use requirements of City departments at the most advantageous cost to the City;
- G. Administer procurement contracts and contract amendments; and
- H. Properly dispose of all material and equipment declared to be surplus or obsolete.

In addition, this policy is to set a standard of environmentally preferable procurement and demonstrate the City’s commitment to environmental, economic, and social stewardship. The City has a unique opportunity to further expand its leadership in the area of environmentally preferable purchasing, and through its actions, elicit changes in the marketplace. By further incorporating environmental considerations into public purchasing, the City will positively impact human health and the environment, remove unnecessary hazards from its operations, reduce costs and liabilities, and improve the environmental quality of the region. This policy will guide the City’s efforts in procuring environmentally preferable Goods and Services.

The philosophy behind this policy is one of separating the need for Goods and Services from the function of negotiation and executing the necessary contractual purchase agreement.

(2) SCOPE OF POLICY

This policy and the award of bid provisions herein are solely for the fiscal responsibility and benefit of the City of Stonecrest, and confer no rights, duties or entitlements to any vendor, bidder or proposer.

The scope of this purchasing policy covers the procurement of most Goods and Services for non-construction purposes without regard to the past method by which the material or service has been or is customarily procured. The policy covers all contractual and purchase agreements between the City and another Person. The procurement function includes the initial agreement/purchase, changes and/or re-negotiations. This policy establishes the specific responsibility and authority of the procurement of materials and services.

As part of the audit process, the internal controls and accounting processes outsourced to municipal services Vendors will be evaluated and a measure of assurance given as a requirement of completion of the City's annual audit. The staff of outsourced municipal services Vendors assigned to work at City offices and perform purchasing activities on behalf of the City is not exempt from the City's adopted Purchasing Policy. Furthermore, unless due to the lack of competitive options, the City will not typically procure Goods and Services from outsourced municipal services Vendors not expressly stated in their contract to provide municipal services or which do not have a direct impact on the Vendor's ability to provide those contracted services.

The provisions of this policy do not apply to procurements for the following:

- A. Public works construction contracts to the extent governed by O.C.G.A. §36-91-1 *et seq.*;
- B. Services and construction whose procurement falls under a conflicting federal or Georgia statute;
- C. Works of art for public places, or other creative/artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to, artists, musicians, and writers;
- D. Antiques and other unique assets of historical value, including restoration of these items;
- E. Real Property, including but not limited to transactions governed by O.C.G.A. § 36-37-1 *et seq.*, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property, and other related costs of disposition and/or acquisition of real property, except as provided in Section VII(F) (Real Estate Acquisitions);
- F. 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;
- G. Travel, entertainment, conferences, training, speakers, instructors, facilitators, and meeting expenses, or other expenditures covered by another City policy;
- H. Dues, memberships, and board member fees;
- I. Insurance procured through a negotiating process;

- J. Legal services, litigation, experts and materials, and related legal expenses;
- K. Items or services procured for resale or to generate a revenue;
- L. Advertisements including, but not limited to, bid/proposal solicitations and legal advertisements required by law or by City policy;
- M. Financial Instruments: Professional services and instruments/products related to the City's financial well-being, including but not limited to the following areas: marketing of bonds and other forms of debt or debt management, investments, banking, assets, and pension assets;
- N. Subscriptions and dues established during the budget process;
- O. Utilities;
- P. Seized Property included in a court order authorizing disposal;
- Q. Grant awards or agreements that require certain firms or individuals to perform the work;
- R. Contracts involving federal funding whose procurement falls under a conflicting federal or Georgia statute or regulation, except as provided in Section VIII.

(3) DEFINITIONS

When used in this policy, the following words, terms and phrases, and their derivations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **ADDENDUM** means a change, clarification or correction in the Solicitation Documents, prior to the award of a Contract.
- B. **AMENDMENT** means an agreed upon change order, addition to, deletion from, correction or modification of a Contract including a Contract Extension or a Contract Renewal.
- C. **BID / PROPOSAL BOND** means a form of bid security executed by the Bidder (or Proposer) as principal and by a Surety, to guarantee that the Bidder (or Proposer) will enter into a Contract within the time specified in the Invitation for Bid or Request for proposals, and will furnish the necessary bonds and insurance, and meet any other requirements of those documents.
- D. **BIDDER** means a person or entity submitting a bid or quote to the City for the supply of Goods or Services.
- E. **CAPITAL ASSET** is an item of personal property having a normal life expectancy of three years or more other than components.

- F. CITY means the City of Stonecrest and, as the context warrants, those persons or bodies authorized to act on its behalf, including, but not limited to, the City Council, committees, boards and staff.
- G. CITY ETHICS POLICY shall mean Article X, Ethics, of Chapter 2, Administration, of the Code of the City of Stonecrest, Georgia.
- H. CITY FINANCE DIRECTOR/FINANCE DIRECTOR means the City Accountant as described in the City Charter, his agent, or the department head of the City Finance Department, if such a department is in existence.
- I. COMPETITIVE AWARD means a procurement based upon the outcome of one of the competitive processes set forth in this Policy, where award is made based on the lowest quotation or Bid submitted by a responsible and responsive Bidder or to the most qualified or advantageous Proposer based on the qualitative and/or quantitative factors identified for the procurement. A Competitive Award can be made even if only a single bid or proposal has been received from a Bidder or Proposer who is determined to be responsible and responsive.
- J. CONSTRUCTION means the process of building, altering, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property including the provision of materials therefor. The term “Construction” does not include the routine operation, repair and/or maintenance of existing structures, buildings or real property.
- K. CONSTRUCTION SERVICES means services rendered by an independent and licensed contractor having expertise in Construction.
- L. CONTRACT means all types of City agreements for the purchase or disposal of Goods, Real Estate or Capital Assets, and the procurement of Services, Professional Services or Construction Services regardless of what they may be called, including contracts for a fixed price, cost plus a fixed fee, incentive contracts, and contracts providing for the issuance of job or task orders, leases, letter contracts and purchase orders. Contracts also include Amendments, modifications and supplemental agreements with respect to any of the foregoing. Every Contract must be duly authorized and approved prior to execution.
- M. CONTRACT EXTENSION means an Amendment to a Contract that includes an increase in the term of a Contract, for which no options to renew the Contract beyond the current expiration date exist.
- N. CONTRACT RENEWAL means an exercise of an approved, existing option to increase the term of a Contract. Options to renew a Contract are often done in annual increments.
- O. COOPERATIVE PURCHASE means a group of public entity purchasers organized for the purpose of creating contracts or pricing agreements in order to take advantage of group or quantity buying discounts or special pricing from which members of the group can benefit.

- P. **EMPLOYEE** means an individual drawing a salary or wage from the City whether on a full-time or part-time basis. The term shall encompass all members of the City Council without regard to whether or not such individuals are compensated. For purposes of this Purchasing Policy the term “employee” shall include, any Vendor or any employee of such Vendor who has entered into a Contract with the City to provide administrative and department services contemplated in Section 2.12 of the Charter of the City.
- Q. **EMERGENCY PROCUREMENT** means any procurement of Goods, Capital Assets, Services or Professional Services in the context of an Emergency.
- R. **EMERGENCY** means a situation that occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency shall also mean a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.
- S. **ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES** means Goods and Services that have a lesser or reduced negative effect on human health and the environment when compared with competitive Goods and Services that serve the same purpose.
- T. **GEORGIA PROCUREMENT REGISTRY** means the state’s central bid registry established by the Department of Administrative Services, which provides a public listing of solicitations posted by state entities and local governments.
- U. **GIFTS or FAVORS** means anything of any service or value. Value shall as defined in any City of Stonecrest ethics policy.
- V. **GOODS or COMMODITIES** means supplies, apparatus, materials, equipment and other forms of tangible personal property used by a City department in the accomplishment of its responsibilities other than Capital Assets.
- W. **GOVERNING AUTHORITY** means the Mayor and City Council of the City of Stonecrest or its designee(s).
- X. **INFORMAL WRITTEN QUOTES (IWQ)** means all documents utilized for soliciting quotations for Goods, Services, or Professional Services, in which award is made based on the lowest responsive and responsible quotation and in which the type or cost of the procurement does not require a more formal Bid or proposal process.
- Y. **INVITATION FOR FORMAL BID (IFB)** means all documents utilized for soliciting bids, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. Bids are requested when requirements are clearly defined, price is the major determining factor for award, and a formal sealed submittal is required.

- Z. **LATE BID/PROPOSAL** means a Bid or proposal received after the time or date such bid or proposal was due, as stated in the Solicitation Documents.
- AA. **LIFE CYCLE COST ASSESSMENT** means the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service and disposal costs.
- BB. **MULTIPLE AWARD CONTRACT** means a Contract based upon one solicitation awarded to two or more Vendors to supply Goods or Services.
- CC. **NEGOTIATED AWARD** means a procurement made as the result of negotiations between the City and a Supplier, such as a Sole Source Procurement or Single Source Procurement or another instance, including competitive Invitation to Negotiate, where a Contract award based on direct negotiations with a Supplier of Goods or Services is appropriate.
- DD. **OFFICIAL** means any City elected or appointed person who holds office or any person appointed by the mayor and council of the City to serve on (1) the planning commission of the City, (2) any board or commission of the City having quasi-judicial authority; and, (3) any authority created by the City, either individually or jointly with other local governments pursuant to Georgia law.
- EE. **ORDINANCE** means related Administration Ordinance in Chapter 2 of the City's Municipal Code.
- FF. **PAYMENT TERMS** means the established due date for payments by the City to pay an invoice. Absent any agreement otherwise stated, the City's payment term will be Net 30.
- GG. **PERFORMANCE BOND** means a bond provided by a contractor/supplier in which a surety guarantees to the City that the Goods or Capital Assets are delivered or the Services or Construction Services are performed in accordance with the Contract documents. A letter of credit issued by a financial institution that meets the City's requirements may, at the reasonable discretion of the City, be substituted for the performance bond.
- HH. **PERSON** means any business, entity, company, firm, individual, union, committee, club or other organization or group of individuals.
- II. **PRACTICAL** means satisfactory and within reason when considering price, performance, availability, compatibility with specified operation, and public safety.
- JJ. **PRE-QUALIFICATION** means the part of a competitive procurement process in which the City determines, based on standards developed for a specified product or service, which interested Vendors meet those standards and are eligible for further consideration in the purchasing process.

- KK. **PROFESSIONAL SERVICES** means services rendered by an independent contracting individual or firm having expertise in a particular industry or subject matter due to specialized education, training, licensure or skill, and consisting primarily of advice reports, conclusions, recommendations or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities, or of services not requiring any specialized education, licensing, training or skill (e.g. janitorial services). Professional Services include, but are not limited to, evaluations, consultations, management systems, management consulting, compiling statistical data, support of planning and operating activities, appraisal services, and research and development studies or reports.
- LL. **PROPOSER** means a Person submitting a proposal or qualifications to the City for the supply of Goods, Capital Assets, Real Estate, Construction Services, Services, or Professional Services.
- MM. **PURCHASE ORDER** means a document approved and issued by the Purchasing Agent or designee and accepted by the Vendor to obtain Goods, Capital Assets, and Services.
- NN. **PURCHASING** is the process of securing real estate, capital assets, materials, services, repairs, leases and rentals necessary for the operation and support of the City. The renewal, renegotiations and changes to Contracts, leases and agreements are functions of purchasing.
- OO. **PURCHASING AGENT** means the principal purchasing official of the City who is authorized and appointed to purchase a range of Goods, Capital Assets, Real Estate, Services, Construction Services, or Professional Services on a routine basis.
- PP. **REAL ESTATE** means land and any improvements and appurtenances thereto.
- QQ. **REAL ESTATE ACQUISITION** means the acquisition of a fee interest, estate for years or usufruct in Real Estate by purchase or lease.
- RR. **REQUEST FOR PROPOSALS (RFP)** means all documents utilized for soliciting proposals for Goods, Capital Assets or Services, including those attached or incorporated by reference. These include a scope of work and all contractual terms and conditions applicable to the procurement. This method is used when factors in addition to price are considered for award.
- SS. **REQUEST FOR QUALIFICATIONS (RFQ)** means all documents utilized for soliciting qualifications for Goods, Services, Capital Assets, Construction Services or Professional Services.
- TT. **REQUISITION** means an internal document, provided by a department to the Purchasing Agent that contains the fund source, approvals, descriptions, quantities and other information about the Goods, Capital Assets, Real Estate, Services, Construction Services

or Professional Services in order to proceed with the procurement. The Requisition becomes valid when properly completed and approved.

- UU. **RESPONSIBLE BIDDER OR PROPOSER** means a Person, who, in the exclusive judgment of the City, (a) has the capability in all respects to fully perform the Contract requirements; and (b) the integrity, experience, qualification, and reliability which assures good faith performance.
- VV. **RESPONSIVE BIDDER OR PROPOSER** means a Person, who, in the exclusive judgment of the City, has submitted a bid or proposal that conforms in all material respects to the Solicitation Documents.
- WW. **SERVICES** mean any performance of effort or labor, for which the City has contracted other than Professional Services or Construction Services. Services include, but are not limited to, janitorial, landscaping, and street striping.
- XX. **SHORTLISTING** means the part of a competitive procurement process in which the City determines, based on criteria developed for a specified Good, Service, or Professional Service which of the interested Vendors are the best qualified to be eligible for further consideration in the purchasing process.
- YY. **SINGLE-SOURCE PROCUREMENT** means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services among others in a competitive marketplace, which, for justifiable reasons, is found to be most advantageous for the purpose of fulfilling a given Purchasing need of the City.
- ZZ. **SOLE-SOURCE PROCUREMENT** means identifying and using, without first completing a competitive process, one source for Goods, Capital Assets, Real Estate, Services, Professional Services or Construction Services when that source is the only one available that can fulfill a given Purchasing need of the City.
- AAA. **SOLICITATION DOCUMENTS** means an Invitation for Bids, Request for proposals, Request for Qualifications, Request for Quotations, or an Invitation to Negotiate including all of the associated forms and documents of each solicitation, or any other types of documents used by the City to procure Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.
- BBB. **SPECIFICATION OR SCOPE OF WORK** means any description of the physical or functional characteristics, or of the nature of Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services. Specifications or Scope of Work may include any function and other criteria that will be required to perform the work and a description of any requirement for inspection, testing, or delivery.

CCC. SUPPLIER, MERCHANT OR VENDOR means a Person currently supplying or in the business of supplying Goods, Services, Capital Assets, Real Estate, Construction Services or Professional Services.

DDD. SURETY means an organization who, for a consideration, promises in writing to make good the debt or default of another organization. The Surety must be satisfactory to the City and licensed to do business in Georgia.

EEE. THE REQUESTING DEPARTMENT/DIVISION (User) is defined as the department which has the authority and responsibility for determining the need for an item or service, its related specifications, and need date. The User is responsible for funding the need and advising Purchasing of the approved funding and the specific budget account number. The User is responsible for authorizing the purchases of all materials, services, repairs, leases and rentals in which the negotiated price exceeds the approved funding.

SECTION II – ETHICS IN PROCUREMENT

Every person, business, or entity involved in the procurement process must adhere to a high standard of ethics. Each will be bound by the City Code of Ethics and this Section II. Whenever this Section II conflicts with the City Code of Ethics, the City Code of Ethics shall control.

A. Employee Conflict of Interest

It shall be unethical for any City Employee or Official to transact any business or participate directly or indirectly in a procurement Contract when the Employee or Official knows that:

1. The Employee or Official or immediate family of such Employee or Official has a substantial interest pertaining to the procurement Contract, except that the purchase of Goods and Services from businesses which a member of the City Council or other City Employee has a substantial interest is authorized as per O.C.G.A. § 36-1-14, or the procurement Contract is awarded pursuant to O.C.G.A. § 45-10-22 and § 45-10-24, or the transaction is excepted from said restrictions by O.C.G.A. § 45-10-25, interpreting such statutes as if they were applicable to a municipality.
2. Any other person, business or organization with whom the Employee, Official or immediate family of such Employee or Official is negotiating or has an arrangement concerning prospective employment is involved in the procurement Contract.
3. An Employee, Official or any immediate family of such Employee or Official who holds a substantial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that substantial interest.
4. All Employees and Officials will be asked to sign a disclosure document indicating his or her compliance with the City Ethics Policy.
5. The terms “immediate family” and “substantial interest” shall have the meaning given to such terms in the City Code of Ethics.

B. Gratuities, Rebates or Kickbacks

1. *Gratuities and other benefits.* It shall be unethical for any Employee or Official to directly or indirectly solicit, demand, receive, accept, or agree to receive any gratuity, reward, offer of employment, services, or thing of value from any person, business, or entity in connection with any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

It shall further be unethical for any person, business, or entity to offer, give, or agree to give or offer to give any Employee or Official any gratuity, reward, offer of employment, services, or thing of value with the purpose of influencing any award, decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal.

- i. A “thing of value” shall not include:
 - a. Any gift with a value less than \$100.00;
 - b. Food or beverage consumed at a single meal or event;
 - c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
 - d. Promotional items generally distributed to the general public or to public officers;
 - e. Rebates normally or routinely offered to customers in the ordinary course of business of such person, business or entity for the purchase of their Goods and Services are acceptable and are the property of the City; and
 - f. Educational events, materials, and meals as described in subparagraph (ii).
- ii. *Educational Events.* Nothing in this section shall preclude an Employee or Official of the City from attending seminars, courses, lectures, briefings, or similar functions at any person, business, or entity’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 the person, business, or entity’s products or services and is one which the City Manager determines would be of benefit to the City. In connection with any such seminar, course, lecture, briefing, or similar function, nothing shall preclude the Employee or Official from receiving meals or educational materials and business related items of not more than nominal value from a person, business, or entity. However, no

Employee or Official shall accept or receive free travel or lodging for less than the value thereof from a person, business, or entity.

2. *Kickbacks and Rebates.* 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 or order.
3. *Contract Clause.* The prohibition against gratuities, rebates and kickbacks prescribed in this Section shall be referenced in every Contract and Solicitation.

C. Prohibition Against Contingent Fees

It shall be unethical for any Person to be retained, or to retain a Person, to solicit or secure a Contract upon any agreement or understanding for a contingent fee, except for agreements with manufacturer representatives, or agents, including, but not limited to, commercial services sales agents engaged in the business of soliciting contracts on behalf of Vendors. A “contingent fee” as used in this subsection C, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a Person has in securing a city Contract.

D. Use of Confidential Information

It shall be unethical for any Employee or Official to knowingly disclose or use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

E. Unauthorized Purchases

No purchases of Goods and Services shall be made in the name of the City or one of its departments, except such as is required for official use by the City or one of its departments. Purchases in the name of the City or a department for personal use by an individual or for other than official use are prohibited, and no City funds will be expended or advanced therefore.

F. Penalties and Sanctions

1. *Legal or disciplinary action by City Council.* The City Council may take appropriate legal and/or disciplinary actions pursuant to the City Code of Ethics against any Employee, Official or other Person in violation of these ethical standards.
2. *Legal or disciplinary action by City Manager.* The City Manager is authorized to take any appropriate legal and/or disciplinary actions, including dismissal, of any Employee violating this Ethics Policy.
3. *Administrative penalties for Employees.* The City Manager may impose any one or more of the following penalties or sanctions on an Employee for violations of the ethical standards in this Section as appropriate to the situation, subject to the Personnel Manual or other appropriate appeals procedures:

- a) Oral or written warnings or reprimands.
 - b) Suspensions with or without pay for specified periods of time.
 - c) Termination of employment.
4. *Administrative penalties for outside contractors/Vendors.* The City may impose any one or more of the following penalties or sanctions on a Vendor or other Person or organization for violations of these ethical standards:
- a) Written warnings or reprimands.
 - b) Termination of Contracts.
 - c) Debarment or suspension.

G. Vendor Contact During Open Solicitations

Persons seeking an award of a City contract may not initiate or continue any verbal or written communications regarding a solicitation with any Official, Employee or other City representative other than the Purchasing Agent named in the solicitation between the date of the issuance of the solicitation and the date of the final contract award. The City Manager or designee will review violations. If determined that such communication has compromised the competitive process, the offer submitted by the individual, firm or business may be disqualified from consideration for award.

SECTION III – PURCHASING AGENT

The City Council appoints the City Manager, or such other Employee designated by the City Manager, to serve as the Purchasing Agent for the City, until such time an independent third party is appointed and contracted by the City Council to serve as the Purchasing Agent under the direction and control of the City Manager.

A. Duties and Responsibilities

The Purchasing Agent shall faithfully discharge the following duties and powers of said office:

1. Direct efforts to procure Goods, Capital Assets, Real Estate, Services, Construction Services and Professional Services in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.

2. Arrange and negotiate the purchase or Contract for all equipment, supplies and contractual services for the City or any using agency; arrange and negotiate for the sale or otherwise dispose of all surplus equipment and supplies or real estate of the City or any using agency, in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
3. Manage and supervise purchasing staff.
4. Control and supervise all City storerooms and warehouses.
5. Maintain and adhere to all City purchasing procedures and the Purchasing Policy.
6. Recommend revisions to the Purchasing Policy and related procedures to provide for compliance with laws related to bidding, Contracting and Purchasing as set forth in the State of Georgia Code and Regulations, by examining the applicable laws and developing procedures for bidding, Contracting and procurement processes. Revisions to this Purchasing Policy shall be subject to the approval of City Council.
7. Plan and implement processes for the ongoing protection of the City's interests.
8. Establish guidelines, within the Purchasing Policy, governing the review and approval of specifications for procurement of Goods, Capital Assets and Services based on recyclability, energy and water conservation, life cycle cost, and other environmental considerations.
9. Maintain an inventory record of all materials, supplies, software, or equipment stored in city storerooms, warehouses, and elsewhere, including monthly reports to the Finance Director that include:
 - a) Titles of all formal solicitations and the method of source selections to be used.
 - b) Contracts authorized by the City Council, the method of source selection used and the total dollar amount.
 - c) Emergency Contracts awarded pursuant to Section 1.03 of the City's Charter.
 - d) Change orders or Contract modifications authorized by the City Council and the dollar amount and reason.
 - e) Amendments or change orders authorized by the Purchasing Agent and the dollar amount and reason.
 - f) Explanation of any changes, and the costs involved, in the scope of services made between the time a Contract is awarded and the time that the Contract is authorized by the City Council.

- g) Documentation of the types, quantities, and dollar amounts of environmentally preferable Goods (including the percentage of post-consumer and total recovered material content) and Services purchased. The report shall also include dollar amounts of non-environmental or conventional Goods and Services, identify and discuss instances where this policy is waived or its requirements found impracticable, and highlight barriers to the procurement of environmentally preferable Goods and Services, if applicable.
10. Secure all necessary approvals of the City Manager or its designee, and the City Council prior to execution of a Contract or purchase agreement.
 11. Determine the most advantageous method of procurement in accordance with the requirements of this Purchasing Policy, the Code of the City of Stonecrest and Georgia law.
 12. Ensure that all Contracts are reviewed and approved by the City Attorney pursuant to Section 3.08 of the City Charter.
 13. Ensure Council is notified as soon as reasonably possible of all upcoming and active competitive procurements.
 14. Whenever possible, utilize City-generated and City Attorney-approved standard goods/services purchasing agreements.
 15. Consult with the City Attorney if a contracting party breaches or is reasonably anticipated to breach its Contract with the City.
 16. Where in the best interest of the City, require Bid/Proposal Bonds, insurance and other forms of protection for the City on the process of procuring Goods, Capital Assets, Services and Construction Services for the City.
 17. Terminate solicitations for bids for any Goods, Capital Assets, Services, Construction Services and Professional Services when, in the opinion of the Purchasing Agent, it is in the City's best interest to do so.
 18. Reject any and all bids, when in the opinion of the Purchasing Agent it is in the City's best interest to do so.
 19. Advise the Finance Director and City Manager on the status of negotiations, as well as Contract provisions and their impacts on the City.
 20. Make recommendations on Contract approval, rejection, Amendment, and cancellation.

21. Provide Contract administration and supervision of Contracts. Such tasks shall include, but not be limited to, monitoring Amendments, obtaining applicable insurance certificates and monitoring applicable progress.
22. Provide and update all forms to procure Goods, Services, and Professional Services, as needed.

SECTION IV – PROCUREMENT PROCESS

The procurement process begins when the need to obtain goods or services is identified. All functions that pertain to the acquisition, including competitive procurement, contract negotiation and award, and all phases of contract administration are included in the procurement process.

A. Purchase Requisition

Requisitions are necessary to initiate the procurement process. A Requisition is essentially a request to purchase Goods, Capital Assets, Services, Construction Services or Professional Services. *See Appendix C* for sample Requisition form. It lets the Purchasing Agent know, in detail, what the Using Department/Division (“User”) needs and whether the purchase or expenditure is authorized. In general, Users must prepare Requisitions for all procurements within the scope of this policy that exceed \$2,499.99.

The following steps shall be completed to initiate the procurement process:

1. *Determine Need*: The User is responsible for determining the need for a good or service and providing appropriate documentation and justification therefor, including a purchase requisition.
2. *Determine Funding*: The User is responsible for ensuring budget availability. Specific budget account numbers must be on the purchase requisition.
3. *Determine Specifications*: The User is responsible for determining the quantity, quality, dimensions, duration and all other necessary specifications essential to the determination of what is to be procured. The specifications must, where applicable, conform to the approved City standards for identity and continuity.
4. *Prepare Requisition*: Requisitions shall be prepared far enough in advance that the Purchasing Agent can obtain competitive prices and the Vendor has enough time to make the delivery. A Requisition must contain the following information, where applicable to the goods or services sought:
 - a) User’s information – name and contact information of the department/division and Employee preparing the purchase Requisition.
 - b) Date issued – the date the Requisition is prepared.

- c) Need date – must state a definitive delivery date or date/duration of service (lead time of at least one week, must be allowed).
 - d) Complete description and specifications of goods or services.
 - e) Quantity.
 - f) Estimated cost.
 - g) Delivery destination.
 - h) Complete budget account number.
 - i) Previous purchase information, quotation, or contract (if known).
 - j) Known or suggested Vendor(s).
 - k) Authorized Approval – must include signature from department director and Finance Director.
5. *Routing the Requisition.* After preparing the Requisition, Users shall transmit the Requisition to the following stations:
- a) Departmental Authorization- the department director shall certify that the Requisition is authorized.
 - b) Finance Department- the Finance Director shall certify, by signature, that the proper account was listed and the availability of budgetary funds.
 - c) Purchasing Office - the Purchasing Agent shall process the Requisition and obtain all necessary approvals.
6. *Acceptance of Procured Item or Service:* Within 24 hours, the User is responsible for advising the Purchasing Office in writing on a receiving report the receipt of the Goods procured and whether or not such Goods are found to be unsatisfactory. All returns of Goods or Capital Assets must be initiated by the User through the Purchasing Agent. Additionally, all Amendments or cancellation to any agreements must be made by the Purchasing Agent.

B. Purchase Orders and Contracts

- 1. The Purchasing Agent shall issue Purchase Orders for all approved Requisitions.
- 2. If a Contract is required or appropriate, all negotiations of agreements for Goods and Services shall be conducted by the Purchasing Agent. It is recognized that special situations may exist where there is a special need for the User to be involved in the

negotiation process. This must be in conjunction with the Purchasing Agent at all times. The Purchasing Agent will make final recommendation for agreements.

3. The Purchasing Agent will review the Contract for form, completeness, insurance considerations, legal implications, and any other items dictated by each situation. The Contract will then be sent to the User and approved by the Department Director and returned to Purchasing.
4. All Contracts not arising out of the proprietary functions of the City shall conform with O.C.G.A § 36-60-13.
5. It is the responsibility of the Purchasing Agent to secure all necessary approvals prior to execution of a Contract or purchase agreement.
6. Once the Contract is officially executed, the original of the Contract will be filed in the City Clerk’s office.
7. Once a Contract is awarded by the City, the Contract may be amended, without the necessity of rebidding such Contract, provided the original Contract amount and the scope of the Contract is not substantially altered. The Purchasing Agent will review all change orders. Change orders will be processed to correct the account distribution, quantity, addition/deletion of line items, change in description and unit price. If a quoted price of the change order is more than \$25,000, shall require additional Requisition and approval from all necessary parties pursuant to the Purchasing Thresholds. The Purchasing Agent cannot use the change order process to circumvent the Purchasing Policy. Change orders cannot substantially change the scope of the Contract.

SECTION V – PURCHASING THRESHOLDS

The following dollar amounts and approvals apply to all city departments.

(1) PURCHASING THRESHOLDS MATRIX

	Procurement Method*	Required Approvals**	Amendments/Change Orders
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≤ \$2,499.99	No Requisition/Purchase Order necessary.	1. Department Director	Increases greater than \$25,000 (excluding any contingency) require additional Requisition and approval from all necessary parties
\$2,500 - \$9,999.99	Three verbal quotes - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Attorney (contracts)	
\$10,000 - \$24,999.99	Competitive Procurement: Informal Solicitation - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Manager 5. City Attorney (contracts)	
\$25,000 & >	Competitive Procurement: Formal Solicitation - Requisition, Purchase Order, and/or Contract as appropriate	1. Department Director 2. Finance Department 3. Purchasing Agent 4. City Manager 5. City Attorney (contracts) 6. City Council	
<p>* The Procurement Methods listed above are not applicable to Sole Source Procurement, Single Source Procurement, Emergency Procurement, Cooperative Purchasing, and Real Estate Acquisition. <i>See</i> Section VII (Noncompetitive Procurements). Notwithstanding this exclusion, the Required Approvals must still be obtained based on the applicable purchasing threshold unless otherwise provided in Section VII.</p> <p>** City Council approval always required if purchase not within annual budget.</p> <p>*** ALL COMPUTER SOFTWARE/HARDWARE AND MARKETING/MEDIA CONTENT MUST BE APPROVED BY THE COMMUNICATIONS/IT DIRECTOR</p>			

(2) PURCHASING THRESHOLDS EXPLAINED

Though competitive procurement may not be required under the applicable purchasing threshold, the Purchasing Agent may require the purchase to be competitively procured if he or she deems it necessary to best serve the interests of the City.

- A. Small purchases may be made up to **\$2,499.99** without bids. Department Director may approve said small purchases if within annual budget. User shall attempt to obtain the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered. A Purchase Order is not necessary unless the vendor requires such. In the event a Purchase Order is required, the User must provide a Requisition to the Purchasing Agent for processing. This must be approved by the Purchasing Agent and Finance Department. If a contract is involved, it may be executed by the City Manager or Mayor without need of review by the City Attorney.
- B. Purchases from **\$2,500 - \$9,999.99** will require a Requisition, Purchase Order, and a minimum of three verbal quotes. If after due diligence, the User cannot reasonably find a third quote, the Purchasing Agent can waive the quote requirement if presented with sufficient written justification from User. The Department Director, Purchasing Agent, and Finance Director must approve the purchase. The Purchasing Agent shall attempt to obtain

the Goods, Capital Assets, Services, Construction or Professional Services most advantageous to the City, price and other factors considered. If a contract is involved, it must be reviewed and approved by the City Attorney and may be executed by the City Manager or Mayor.

- C. Purchases from **\$10,000 - \$24,999.99** will require a Requisition, Purchase Order, and a minimum of three informal quotes/bids/proposals. *See* Informal Solicitations, Section VI (1). If after due diligence, the User cannot reasonably find the required quotes/bids/proposals, the Purchasing Agent can waive the quote requirement if presented with sufficient written justification from User. The Department Director, Purchasing Agent, Finance Director, and City Manager must approve the purchase. If a contract is involved, it must be reviewed and approved by the City Attorney and may be executed by the City Manager or Mayor.
- D. Purchases from **\$25,000 and greater** will require a Requisition, Purchase Order, and formal solicitation. *See* Formal Solicitations, Section VI (2). The Department Director, Purchasing Agent, Finance Director, City Manager, and City Council must approve the purchase. If a contract is involved, it must be reviewed and approved by the City Attorney and executed by the Mayor.
- E. *State/Federal Grants or Funds*. Periodically, the City may be given private/public grants and donations from sources such as the State and Federal Government and private corporations. These types of solicitations are more restrictive and may dictate the procurement process and methodology that the City is to follow for an award. *See* Projects Using Federal Aid Highway Program (FAHP) Funding, Section VIII. Both federal and state procurement supersedes the purchasing requirements of the City when buying goods and services using federal or state grant monies. Departments should refer to the Federal Acquisition Regulations for guidance on specific federal procurement policies.

SECTION VI – COMPETITIVE PROCUREMENTS

(1) INFORMAL SOLICITATIONS

Requests for informal quotes, bids, and proposals are Informal Solicitations (“IS”) that are prepared and issued with the goal of obtaining competitive responses. Informal Solicitations shall be used for all Purchases from **\$10,000 - \$24,999.99**, unless otherwise provided by this policy. The steps to complete an IS are outlined below. Unless otherwise provided, the responsibility for these steps shall fall on the User:

- A. Prepare Requisition and Develop specifications, scope of work, etc. for all goods and services being requested. Upon finalization of the specifications, prepare any documents required by the IS and send to Purchasing Agent for approval.
- B. Use the Formal Solicitation Process if the Purchasing Agent deems it necessary to serve the best interests of the City.
- C. After specifications are approved by the Purchasing Agent, send a copy of the specifications to the identified Vendors.
- D. *Public Notice.* The Purchasing Agent shall, at a minimum, post a copy of the IS on the City's website, and provide any additional public advertisement if required by law.
- E. Purchasing Agent and User shall evaluate the responses to the IS. On or after the due date indicated in the IS, the Purchasing Agent shall determine which quote, bid, or proposal best serves the City's interests. Tie informal quotes/bids shall be handled in the same way as tie formal bids. A split or partial award may be given to the lowest cost provider of each item or reasonable grouping of items if:
 - 1. The IS requires multiple Goods or Services;
 - 2. More than one Vendor provides a quote/bid/proposal that meets the specifications for the Goods or Services;
 - 3. A price comparison can be made between the Goods or Services; AND
 - 4. An acquisition, delivery, and other requirements can be reasonably administered.
- F. Amend Requisition and include authorized approvals.
- G. Purchasing Agent shall prepare and issue Purchase Order or Contract, where appropriate.

(2) FORMAL SOLICITATIONS

All purchases from **\$25,000 and greater** require a formal solicitation. The Purchasing Agent shall determine the method of formal solicitation is appropriate for the subject purchase. A Bid/ Proposal Bond or Performance Bond may be required for any solicitation.

A. Invitation for Formal Bids

Invitation for Formal Bids (IFB) are prepared and issued with the goal of obtaining competitive responses in the procurement of Goods, Capital Assets, Services and Construction Services. The process to initiate and complete an IFB is outlined below:

- 1. User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.

2. Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the IFB.
3. *Public Notice.* The Purchasing Agent shall advertise the IFB on the City's website, at City Hall, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the IFB, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for bid opening, unless it can be demonstrated that an Emergency exists, pursuant to Section VII (D) Emergency Procurement. In such event, the requirement for public notice may be reduced by the Purchasing Agent.
4. *Correction/Withdrawal of Bids.* Correction or withdrawal of inadvertently erroneous bids is permitted in accordance to the terms indicated within the IFB; however, minor irregularities may be waived by the Purchasing Agent. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.
5. *Opening Sealed Bids.* Bids shall be opened in the presence of the Purchasing Agent or the designee of the Purchasing Agent and at least one other witness at the time and place designated in the Invitation for Bids. All relevant information, including each Bid amount and Bidder's name, will be recorded on a summary sheet. Late bids will be rejected and returned unopened. Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*
6. *Evaluation of Bids.* Bids will be evaluated based on the qualification factors set forth in the IFB, which may include criteria to determine acceptability of Goods or Capital Assets (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods or Capital Assets shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods or Capital Assets. 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.
7. *Contracts.* The Bid may require a Contract. Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the City Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the City Council for approval and award.
8. *Award of Bids.* The Purchasing Agent shall submit his or her recommendation and proposed Contract to the City Council for approval and award. 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 IFB.

The Contract shall be approved by City Council prior to execution and/or performance.

9. Upon the award of bid, User amends Requisition and Purchasing Agent shall prepare a Purchase Order or Contract, if appropriate.
10. *Split/Partial Awards.* Split or partial bid awards may be awarded with the same guidelines and restrictions as those provided for split or partial Informal Solicitations.
11. *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) A tie Bidder whose products are manufactured in Georgia would be recommended to the City Council for an award, over a Tie Bidder without products manufactured in Georgia. *See* Section IX (1).
 - (ii) If the procedures in (i) above do not result in an award, then the tie Bidder who has environmentally preferable goods and services would be recommended to the City Council for an award. *See* Section IX (2).
 - (iii) If the procedures in (i) and (ii) above do not result in an award, then to the extent permitted by law, a tie Bidder having an office within the limits of the City would be recommended to the City Council for an award over one without an office in the City. A Person within the state of Georgia would be recommended to the appropriate approving authority for an award over one without an office in Georgia.
 - (iv) If the procedures in (i) through (iii) above do not result in an award, the tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by the Purchasing Agent or the designee of the Purchasing Agent. 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.
 - (v) If all of the procedures above do not result in an award, then, the Purchasing Agent or the designee of the Purchasing Agent in the presence of at least two witnesses will flip a coin one time. Award to the winner of the coin flip will be recommended to the City Council.

B. Request for Proposals (RFP)

When the Purchasing Agent determines the use of an Invitation for Bids is not practical or not advantageous because of existing market conditions or the type of items required, the City may procure Goods, Capital Assets, Services, or Construction Services through receipt of competitive sealed proposals. Competitive sealed proposals are solicited through the use of an RFP, with the goal of obtaining competitive responses. The process to initiate and complete RFP is outlined below:

1. User prepares Requisition and develops specifications, scope of work, etc. for all goods and services being requested.
2. Upon finalization and approval of the specifications, Purchasing Agent shall prepare any documents required for the RFP.
3. *Public Notice.* The Purchasing Agent shall advertise the RFP on the City's website, at City Hall, and provide additional public advertisement if required by law. Said public notice shall include such details and specifications as will enable the public to know the extent and character of the RFP, and shall be advertised a minimum of thirty (30) calendar days prior to the date set for opening proposals, unless it can be demonstrated that an Emergency exists, pursuant to Section VII (D). In such event, the requirement for public notice may be reduced by the Purchasing Agent.
4. *Correction or Withdrawal of Proposals.* Correction or withdrawal of proposals is permitted in accordance with instructions contained within the RFP. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.
5. *Opening Sealed Proposals.* Proposals shall be opened publicly by the Purchasing Agent, in the presence of one or more witnesses at the time and place designated in the RFP. A register of proposals is prepared that lists each Proposer's name. Late proposals will be rejected and returned unopened.
6. *Evaluation of Proposals.* The RFP will identify the criteria to be considered and evaluated as the basis of award. Proposals submitted by Responsible and Responsive Proposers are evaluated by Purchasing Agent or the designee of the Purchasing Agent based upon the criteria applicable to the RFP. All proposals (or the most acceptable proposals in the discretion of any committee evaluating proposals) will be ranked in order of their acceptability to the City, giving consideration to the criteria.
7. *Contract Award.* Once the proposed contract terms, exceptions, and/or modifications are reviewed and approved by the City Attorney, the Purchasing Agent may submit his or her recommendation and the proposed Contract to the City Council for approval and award. The Contract award will be awarded, if award is made, by the City Council to the Responsive and Responsible Proposer whose proposal is determined, in the City's exclusive discretion, to be the most advantageous to the City, taking into consideration price, qualifications, and other factors as indicated in the RFP. Unless otherwise provided by law, the City has no obligation to award the Contract to the Proposer who proposes the lowest price.
8. *Public Access to Proposal Documents.* Interested persons shall have access to information regarding procurement transactions of the City in accordance with City policy and 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. Unless otherwise provided herein, by submission to the City, Proposers waive any claim to the proprietary nature of submitted information. The Proposer may designate in the smallest increments possible, that part of the qualifications which is deemed to be proprietary, which, subject to the City's reasonable determination, shall be redacted for purposes of the public agenda. 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 provided for under the open records law and clearly marked as proprietary by the Proposer. In the event the Proposer deems certain information to be exempt from the disclosure requirements, the Proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the Proposer's assessment will be examined by the City Attorney who will make a determination. The decision to withhold or release the information will be at the City Attorney's sole discretion.

C. Request for Qualifications

Requests for Qualifications (RFQ) may be used if the Purchasing Agent determines that it is in the City's best interest to evaluate the experience and qualifications of a Service, Construction Service or Professional Service provider, without regard to price or prior to considering price.

The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Such 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 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. The City reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the City.

D. Multi-step Solicitation

The City may initiate the multi-step solicitation process described below when: (a) the Purchasing Agent determines it is impractical to prepare an adequate or complete description of the Goods, Capital Assets, Services or Construction Services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the Purchasing Agent 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 Purchasing Agent determines that a multi-step process would best serve the City's interests.

1. The City may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the City will establish a field of at least three (if possible and available) qualified or most qualified Proposers. The City may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the City conducts interviews with Proposers, the City is not required to interview any Proposers deemed by the City to be unqualified or less qualified than other Proposers.
2. After establishing a field of qualified or most qualified Proposers, the City will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous proposal, price and other factors considered.

(3) SOLICITATIONS REQUIRING PUBLIC NOTICE IN GEORGIA PROCUREMENT REGISTRY (GPR)

The GPR is the state's central bid registry established by the Department of Administrative Services (DOAS) and managed by the agency's State Purchasing Division (SPD). The registry provides for the advertising of bid opportunities by state and local governments to ensure transparency and offer market competition.

- A. The City shall advertise all bid or proposal opportunities for **goods, services, or both** that are valued at **\$100,000.00 or more** in the GPR for a minimum of thirty (30) calendar days prior to the date set for opening bids/proposals. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity. *See* O.C.G.A. § 36-80-27.
- B. The City shall advertise all contract opportunities for **public works construction** that are valued at **\$100,000.00 or more** in the GPR for at least four continuous weeks prior to the opening of the sealed bids or proposals, unless otherwise provided by O.C.G.A. § 36-91-20.
- C. The Purchasing Agent may adopt procedures requiring additional bid or proposal opportunities to be advertised on the GPR.

SECTION VII – NON-COMPETITIVE PROCUREMENTS

The provisions of this policy section shall apply to the procurement of Goods, Capital Assets, Services, Construction Services or Professional Services, when the purchase does not exceed **\$9,999.99** or when the Purchasing Agent determines that competitive procurement is not practical, feasible, or possible. Notwithstanding any other provision, any Contract or subcontract entered into by the City with any Person for the construction, reconstruction, or maintenance of all or part of a public road in the City including, but not limited to, a Contract or subcontract for the purchase of materials, for the hiring of labor, for professional services, or for other things or services incident to such work, shall be entered into in accordance with O.C.G.A. § 32-4-114.

A. Sole Source Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services pursuant to a Sole Source Procurement. Sole Source Procurement is available 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. No Sole Source Procurement shall be valid without the prior authorization of the Governing Authority. For each instance in which the use of Sole Source Procurement is proposed, the User must provide to the Governing Authority a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Governing Authority may authorize the use of Sole Source Procurement only if it determines that such use fully complies with the requirements stated herein.

B. Single Source Procurement

The City may acquire Services or Professional Services pursuant to a Single Source Procurement. A Single Source Procurement is a procurement 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. Single Source Procurement is available only if the following conditions exist:

1. The proposed use of Single Source Procurement concerns any of the following situations:
 - a. To obtain the Services or Professional Services of any Person for the purpose of serving in any appointed position identified in Article III of the City Charter; or
 - b. To obtain the Professional Services of any Person where such Person establishes to the User that:
 - i. Regarding the provision of such Professional Services, he has significantly more experience than other prospective providers or has unique knowledge and experience that no other prospective provider possesses;
 - ii. He has more historical knowledge of the particular issue/subject to be addressed by the procurement while other prospective providers have

- failed to demonstrate to the User that they have the same level of historical knowledge;
- iii. In comparison to other prospective providers, he is particularly suited to provide the procurement as he and the City had a satisfactory business relationship in his earlier provision of such Professional Services to the City; or
 - iv. He has the capacity and willingness to provide such Professional Services to the City in an emergency situation while other prospective providers have failed to demonstrate to the User that they have such capacity and willingness.
2. The Person desiring to provide the procurement has agreed, in writing, that he will not disclose to any third party any confidential information, trade secret or financial information of the City that he may obtain in the course of providing the procurement to the City.
 3. The User has analyzed the current open, competitive market conditions regarding the provision of such Services or Professional Services and has determined that the price to be paid to the proposed provider is substantially similar to the current price in the open, competitive market for such Services or Professional Services.

No Single Source Procurement shall be valid without the prior authorization of the Governing Authority. For each instance in which the use of Single Source Procurement is proposed, the User must provide to the Governing Authority a written report that identifies the specific reasons justifying such use and shows the requirements stated herein are satisfied. The Governing Authority may authorize the use of Single Source Procurement only if it determines that such use fully complies with the requirements stated herein

C. Emergency Procurement

The City may acquire Goods, Capital Assets, Services, Construction Services or Professional Services by directly negotiating an award in the event of an Emergency. An Emergency exists when a situation occurs suddenly and unexpectedly and demands immediate action to prevent delays which may vitally affect the health, safety or welfare of the public or City Employees and affects the continuation of services to the citizens, and/or serious loss or injury to the City. Emergency also exists if a condition, malfunction, or occurrence in which the immediate procurement of an item (i.e. Good, Services, or Professional Service) is essential to comply with regulatory requirements.

The City Manager shall make the determination when an Emergency exists. Such emergency procurements shall be made with as much competition as is practicable under the circumstances.

When the need for an emergency purchase occurs during normal working hours, the User shall request approval from the City Manager or his designee. If an Emergency situation should arise after office hours which requires immediate action on the part of the agency involved for the protection of the best interest of the City or if a like situation arises on a

weekend or holiday and when it is not possible or convenient to reach the City Manager or Purchasing Agent, any purchase necessary shall be made by the official in charge of such department or agency, and such purchase reported to the Purchasing Agent within 24 hours.

As soon as practicable, a record of each Emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the Contract, a listing of the item procured under the Contract, and the identification number of the Contract file. Moreover, written determination of the basis for declaring the Emergency and for the selection of the particular Person for the provision of Goods, Capital Assets, Services, Construction Services or Professional Services shall be included in the Contract file. If the cost of the procurement is \$25,000 or more, City Council approval must be obtained at the next meeting following the emergency procurement.

D. Cooperative Purchasing

The City may acquire Goods, Capital Assets and Services by from a Supplier having a requirements Contract/Annual Agreement with any public entity (e.g., federal, state, county, city, authority, school board, Buying Cooperative, etc.) for Goods, Capital Assets or Services described in such contract and at prices or discounts no less favorable than any set forth in such Contracts.

Use of State/Co-Op Contracts: The Purchasing Agent may procure supplies, services or construction items through the Contract established through competitive means by the purchasing division of the State of Georgia, national Co-Ops (i.e.-U.S. Communities), and collaborative purchasing agreements with other local governments when deemed to be in the best interest of the City.

Prior to making any purchase, the Purchasing Agent or User shall obtain approval from all necessary parties pursuant to the applicable purchasing threshold.

E. Real Estate Acquisitions¹

1. Compliance with Applicable Regulations

All real estate acquisition activities shall conform to applicable federal, state (e.g. O.C.G.A § 36-80-18 and O.C.G.A § 36-60-13) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics.

2. Confidentiality

The City Council and City staff shall maintain the confidentiality of potential and on-going real estate acquisitions and related information subject to the provisions of the Open Meetings and Open Records Acts.

¹ Reference Note- See O.C.G.A. § 36-37-1 et seq. for provisions governing the disposition of municipal property or acceptance of gifts, grants, or donations of property

3. Formal Approval

All real estate transactions shall be formally approved by the City Council in a public meeting prior to the City entering a sales contract. This shall not prohibit or interfere with the City Council's ability to discuss same and negotiate terms in Executive Session subject to the requirements of the Open Meeting and Open Records Acts.

4. Appraisals

For any piece of real estate, for which a sales contract has been signed, the City will conduct at least one appraisal by an independent third-party who holds the Member of the Appraisal Institute (MAI) membership designation.

5. Land Acquisition Procurement Process

- a. City staff will investigate and identify properties for purchase that generally meet an approved plan or strategy. Furthermore, land purchased with a specific funding source will only be used for such purposes anticipated and/or authorized. If the City determines that the land cannot be used for its intended purpose, the City may dispose of the property in a manner consistent with Georgia law and funds raised through the sale of the property will be used for future land purchases consistent with the purposes authorized.
- b. City staff may work with a Real Estate broker to gather information and make site visits related to properties under consideration for acquisition.
- c. City staff will regularly brief the City Council in Executive Session on properties the city is considering purchasing to receive direction on "terms and price" from the City Council.
- d. City staff will negotiate "Letters of Intent" with land owners on properties the City Council has provided staff with direction on "terms and price".
- e. City staff will conduct due diligence on the real estate to be purchased including at a minimum but not limited to:
 - i. Environmental testing (Phase I required, Phase II and specialized testing if warranted);
 - ii. Production of an ALTA survey of the property;
 - iii. Production of a MAI appraisal of the property;
 - iv. Complete title work on the property; and
 - v. Other reasonable due diligence activities as warranted.
- f. Prior to requesting a resolution from the City Council authorizing the City Manager to execute any and all closing documents to complete the purchase of the property, the city staff will ensure completion of all due diligence items (PUBLIC HEARING REQUIRED).

SECTION VIII – PROJECTS USING FEDERAL AID HIGHWAY PROGRAM (FAHP) FUNDING

The City shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.S.C. § 112(b)(2)(A) and 23 CFR § 172.5(a)(1)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. § 1101 *et seq.*, commonly referred to as the Brooks Act. *See* Appendix A.

SECTION IX – PREFERABLE GOODS AND SERVICES

(1) PREFERENCE FOR PRODUCTS MANUFACTURED IN GEORGIA

When contracting for or purchasing supplies, materials, equipment, or agricultural products, excluding beverages for immediate consumption, the City shall give preference, as far as may be reasonable, economical, and practicable, to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in the State of Georgia. Such preference shall not sacrifice quality.

In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the City shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. The City shall not divide a contract or purchase which exceeds \$100,000.00 for the sole purpose of avoiding these requirements.

(2) ENVIRONMENTALLY PREFERABLE GOODS AND SERVICES

- A. In determining which Goods, Capital Assets and Services to purchase, the City shall integrate environmental factors into the City's procurement decisions, when available and commercially practicable in the reasonable discretion of the User. Whenever possible or practicable, the City shall:
1. Purchase copy, computer, and fax paper with at least 30 percent post- consumer recycled content;
 2. Purchase non-emergency fleet vehicles that provide the best available net reduction in vehicle fleet emissions including, but not limited to, the purchase of alternative fueled and hybrid vehicles;

3. Consider purchasing lower emission emergency fleet vehicles with comparable specifications for performance, safety, and fuel availability during emergencies as conventionally-powered emergency fleet vehicles;
 4. Purchase at least Energy Star rated equipment and appliances for use in local government facilities when practicable based upon considerations of Life Cycle Costs;
 5. Purchase water-saving products, including WaterSense labeled, whenever practicable, including but not limited to, high performance fixtures such as toilets (1.28 gallons per flush or less), urinals (0.5 gallons per flush or less), low-flow faucets (1.5 gallons per minute or less), aerators, and upgraded high-efficiency irrigation systems;
 6. Replace disposable with re-usable, recyclable, or compostable Goods;
 7. Consider Life Cycle Cost Assessment; and
 8. Evaluate, as appropriate, the environmental performance of Vendors in providing Goods and Services.
- B. The analysis to determine environmentally preferable Goods and Services may include raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal of products, or service delivery. Specifically, factors that should be considered by the User when determining that Goods have environmentally preferable attributes include, but are not limited to:
1. Minimization of virgin, unrecycled material used in Goods;
 2. Maximization of recycled materials used in Goods;
 3. Life cycle economics of Goods and Services;
 4. Reuse of existing Goods or materials in Goods;
 5. Recyclability, biodegradability and compostability of Goods;
 6. Minimization of packaging;
 7. Reduction of energy and fuel consumption;
 8. Reduction of water consumption;
 9. Toxicity reduction or elimination;
 10. Durability and maintenance requirements; and
 11. Ultimate disposal of the Goods.

SECTION X – PROTESTS, SUSPENSION, AND DEBARMENT

A. Right to Protest.

Any actual Bidder or Proposer who is aggrieved in connection with the formal solicitation or award of a Contract may protest to the City. Protestors shall seek resolution of their protests/complaints initially with the City Manager.

1. *Timeliness.*
 - a. Protests arising from factual or legal basis that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three business days of the submission of the bid/proposal.
 - b. Protests arising from factual or legal basis that the protestor knew or should have known subsequent to the date the bid/proposal was submitted must be submitted within ten business days after the protestor knew or should have known of such basis, but in no event shall any protest be submitted more than ten business days after the award of the contract.
 - c. Untimely protests are invalid and shall be denied as such.
2. *Contents of Protest.* The protest shall, at a minimum, be in writing and include the following information:
 - a. Identity and contact information of protestor;
 - b. Appropriate identification of the subject solicitation or award;
 - c. Detailed statement of the legal and factual grounds of the protest;
 - d. Documentation supporting the protest and/or allegations;
 - e. Statement of the specific relief requested; and
 - f. Signed by an officer or person authorized to sign contracts on behalf of the protestor.
3. *Submission of Protests.* All protests shall be submitted to the City Manager via registered mail, overnight delivery, or hand delivery.
4. *Protest Resolution.* If a protest complies with subsections (1) through (3) above, the City Manager shall request a response from the Purchasing Agent. The Purchasing Agent's response will be returned to the City Manager within seven (7) business days from the submission of the protest. The City Manager is empowered to decide to uphold, dismiss or amend the decision of the Purchasing Agent.
5. *Decision on Protest.* The City Manager shall inform the protestor of the decision in writing within fifteen (15) business days of the submission of the protest or, if the City Manager requires more time to render a decision, the City Manager will advise the protestor within the initial ten (10) days of the additional amount of time required to render a decision.

6. *Appeals.* Any actual Bidder or Proposer who is aggrieved by the decision of the City Manager in connection with a protest shall file a notice of appeal with the City Manager and City Clerk within seven (7) days of receipt of the decision.
 - a. *Hearing.* The City Manager shall set a hearing date before City Council not more than thirty (30) days from the date of receipt of the notice. The City Clerk shall cause notice of the hearing date, time, and location to be served upon the parties by registered mail. At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to offer argument as to whether the City Manager’s decision should be affirmed or overturned. Said hearing will not be de novo, but shall be of an appellate nature.
 - b. *Decision.* Within seven (7) days of the hearing, the City Council shall issue a written decision on the appeal, which shall either affirm or reject the City Manager’s decision. The City Clerk shall send a copy of the decision to the protestor(s) by registered mail.
 - c. *Finality.* A decision by the City Council under subsection 6(b) above shall be final and conclusive as to the City’s appeal process. Any further action shall be through the court.
7. *Stay of Procurement.* In the event a protest complies with subsections (1) through (3) above, the Purchasing Agent shall not proceed with the further solicitation or award of the Contract until all administrative remedies have been exhausted, or the City Manager or City Attorney makes a determination that the award of the contract without delay is necessary to protect the interests of the City.

B. Suspension and Debarment

1. *Authority to Suspend or Debar.* After reasonable notice to the Person involved and reasonable opportunity for that Person to respond, the Purchasing Agent shall have the authority to initiate proceedings to suspend or debar a Person from doing business with the City. The City Manager shall have the authority to order suspension or debarment as provided herein.
2. *Causes for Suspension or Debarment.* The causes for suspension or debarment include:
 - a. Conviction for commission of a criminal offense as an incident to obtain or attempting to obtain a public or private contractor subcontract, or in performance of such contract or subcontract;
 - b. Conviction of state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other

offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor;

- c. Conviction of state or federal antitrust statutes arising out of the solicitation and submission of bids or proposals;
 - d. Violation of contract provisions of a character which is regarded by the Purchasing Agent to be so serious as to justify suspension action, which includes but is not limited to the following:
 - i. Failure to perform in accordance with the specifications within a time limit provided in a city contract;
 - ii. A recent record of failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the Person shall not be considered to be a basis for suspension; or
 - iii. Falsification of any documents.
 - e. Commission or solicitation of any act that would constitute a violation of the ethical standards set forth in this Purchasing Policy and the City's Code of Ethics.
 - f. Any other cause that is serious and compelling as to affect the Person's responsibility as a city vendor, including debarment or suspension by another government entity.
3. *Initiation of Suspension or Debarment Action.* When the Purchasing Agent receives information from any source concerning a cause for suspension or debarment, he or she will promptly investigate the matter. If the Purchasing Agent finds cause that suspension or debarment is warranted, the Purchasing Agent shall prepare a written determination detailing the grounds for and length of the proposed suspension or debarment. Written notice of a proposed suspension or debarment action shall be sent by registered mail to the Person subject to the action, and shall also be sent to the City Manager and City Attorney.
4. *Review of Proposed Suspension or Debarment.* Within fifteen (15) days of receiving said notice, the Person subject to the action shall submit any and all responsive records or documents in defense of the proposed suspension or debarment to the City Manager. Failure to submit a timely written response shall result in a waiver of review.
5. *Final Decision.* After consultation with the City Attorney, the City Manager shall issue a final decision, which shall adopt, amend, or reject the proposed suspension or debarment. When suspension or debarment is ordered, the length of the suspension or debarment, the reasons for such action and to what extent affiliates are affected shall be set forth in writing and sent by registered mail to the Person subject to the action.

6. *Effect of Suspension or Debarment.* A suspension or debarment decision shall take effect upon issuance and mailing of written notice of such decision to the Person subject to the action. After the suspension or debarment takes effect, the Person shall remain suspended or debarred until the period specified in the decision expires.
7. *Duration of Suspension/Debarment.* Suspensions shall be for a period not to exceed 120 days. Debarment shall be for a period not to exceed three years, unless cause is based on a felony conviction for an offense related or associated with fraudulent contracting or misappropriation of funds. In such event, the debarment shall be for a period not to exceed seven years.
8. *List of Suspended/Debarred Persons.* The Purchasing Agent shall create and maintain a list of all suspended and debarred Persons. All departments shall be routinely supplied with said list.

SECTION XI – PROPERTY DISPOSAL

A. Compliance with Applicable Regulations

The disposal of municipal property shall conform to applicable federal, state (*e.g.* O.C.G.A § 36-37-6) and local laws and regulations and shall be subject to the provisions of the City Code of Ethics.

B. Excess, Surplus, and Obsolete Materials

It shall be the duty of the User to report all excess, surplus or obsolete materials to the Purchasing Agent. At this point, the Purchasing Agent will examine alternatives as to the most advantageous disposition of the items. Items could be refurbished or reconditioned, transferred, traded in on new equipment or sold by auction or sealed bid, or destroyed. For property over \$5,000 in aggregate or \$1,000 individually, the City Council shall approve the request to have the property declared surplus. For other property, the Purchasing Agent shall present a list to the City Manager for approval.

1. *Transfer or Re-use.* The most gainful method for handling an item no longer needed by a department is to transfer it to another department that has a use for the item.
2. *Trade-In.* In replacing obsolete equipment, it may be financially advantageous to trade-in the old equipment. The invitation for bids on the replacement item should call for bid prices with or without trade-in and provide that award may be made either way.
3. *Sale.* Excess, surplus and obsolete items not transferred or traded-in may be consolidated and offered for sale to the highest responsible bidder either by auction or by sealed bid method. Auctions can be traditional or contemporary including online auctions such as www.Govdeals.com or similar websites. The consolidated list will be submitted to City Council for approval before an auction or sealed bid is organized.

The property offered for sale will be on an “AS IS/WHERE IS” basis. Sealed bids will be opened at the time and place announced with the City, retaining the right to reject any and all. A tabulation of all bids received shall be available for public inspection following the opening of all bids. Said bids shall be retained and kept available for public inspection for a period not less than sixty (60) days from the date the bids were opened.

4. Public Notice of Sale: For the sale of personal property with an estimated value exceeding \$500.00, the City shall cause legal notice to be published in the official legal organ or newspaper of general circulation not less than fifteen (15) but no more than sixty (60) days preceding the day of the auction or the last day for the receipt of bids/proposals. The notice shall include a general description of the property to be sold.
 - a. The notice for sale by auction shall also contain the conditions of the proposed sale and shall state the date, time, and place of the proposed sale.
 - b. The notice for sale by sealed bids shall also contain an invitation for proposals and shall state the conditions of the proposed sale, the address at which bid blanks and other written materials connected with the proposed sale may be obtained, and the date, time, and place for the opening of bids.

C. Sale to Employees

To avoid any appearance of impropriety in the disposition program, it is the City’s policy to prohibit the direct sale of surplus property to any City Employee, Official or Agent. This policy does not prohibit any City Employee, Official or Agent from extending an offer at a public auction or in the form of a sealed bid.

D. Allocation of Proceeds

Proceeds from the sale of excess or surplus property will go into the City’s Fund that held the asset.

APPENDICES

APPENDIX A:

PROJECTS USING FAHP FUNDING

In accordance with the requirements of the Brooks Act, (40 U.S.C. § 1101 *et seq.*), the following competitive negotiation procedures shall apply to City procurements for architectural, engineering, and related design services when Federal Aid Highway Program (FAHP) funds are involved in the project:

A. Solicitation.

The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. Procurement procedures may involve a single step process with issuance of a request for proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

B. Request for Proposal (RFP).

The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:

1. Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
2. Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
3. Identify evaluation factors including their relative weight of importance in accordance with Sections C and D;
4. Specify the contract type and method(s) of payment to be utilized;

5. Identify any special provisions or contract requirements associated with the solicited services;
6. Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
7. Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

C. Evaluation Factors.

Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited. These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.

Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

In-State or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.

The following non-qualifications based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications-based selection:

1. A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

2. The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26.

D. Evaluation, Ranking, and Selection.

1. Consultant proposals shall be evaluated by the City based on the criteria established and published within the public solicitation.
2. While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.
3. Following submission and evaluation of proposals, the City shall conduct interviews or other types of discussions to determine three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.
4. From the proposal evaluation and any subsequent discussions which have been conducted, the City shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.
5. Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
6. The City shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant in accordance with the provisions of 49 CFR 18.42.

E. Negotiation.

1. Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the City shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.
2. If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the

respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).

3. The City shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the contract in accordance with the provisions of 49 CFR 18.42.

F. Small Purchases.

The small purchase method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed an established simplified acquisition threshold. The City may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulation, or policy, the lower threshold shall apply to the use of FAHP funds as allowed by Federal law. The following additional requirements shall apply to the small purchase procurement method:

1. The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.
2. A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.
3. Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.
4. The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

G. Noncompetitive.

The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:

1. The City may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements.
2. The City shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting.

3. Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:
 - i. The service is available only from a single source;
 - ii. There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
 - iii. After solicitation of a number of sources, competition is determined to be inadequate.
4. Contract costs may be negotiated in accordance with the City noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

H. Additional Procurement Requirements.

1. Common Grant Rule.

- i. The City must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).
- ii. When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the City must comply with Federal requirements to be eligible for Federal-aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).

2. Disadvantaged Business Enterprise (DBE) program.

- i. The City shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the City's FHWA approved DBE program through either:
 - a. Use of an evaluation criterion in the qualifications-based selection of consultants; or
 - b. Establishment of a contract participation goal.
- ii. The use of quotas or exclusive set-asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).

3. Suspension and Debarment. The City must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR part 180.



PURCHASE REQUISITION

Date issued *(date requisition prepared)*
Need Date *(date delivery is needed)*
Department *(name of using department)*
Requisitioner *(signature of requesting person)*
Department Head *(signature of department head)*
 Suggested vendors:
 1. _____
 2. _____
 3. _____

Req. No. *(department file number)*

To be purchased from:
(This area to be filled in by Purchasing)

To be delivered to: *Give specific delivery instructions, including the name of the person designated to receive the item(s), department and street address.*

ITEM NUMBER	QUANTITY	UNIT	DESCRIPTION	ACCOUNT TO BE CHARGED	UNIT PRICE	AMOUNT

Specifications:

Competitive Prices: *(To be filled in by Purchasing)* **Approved:**

Finance Officer

Purchasing Agent

Communications/IT Director

City Manager



Item III. g.



Purchasing Policy Amendment Recommendations 02.14.22

<u>Staff/Financial Oversight Committee Recommendations</u>	<u>Proposed Amendment</u>	
	<u>Section</u>	<u>Proposed Language</u>
Removal of Purchasing Card Policy from Purchasing Policy	Appendix B	Remove Procurement Card Policy
Removal of language associated with the procurement card	Section III - Purchasing Agent A. 23	Remove "Administer the use of the purchasing cards in compliance with the Purchasing Card policy which is attached as Appendix B hereto and incorporated herein by reference. The use of all city issued purchasing cards shall be governed by the Purchasing Card Policy".
Increase to the amendment/change order amount from \$2,500 to \$25,000	Section IV - Procurement Process B. Purchase Orders and Contracts 7. (1) Purchasing Thresholds Matrix	"If a quoted price of a change order is more than \$25,000, it shall require additional requisition and approval from all necessary parties pursuant to the Purchasing Thresholds.
Addition of approval of Computer hardware/software purchases, marketing/media content to be approved by the Communications/IT Director	Section IV - Procurement Process. (1) Purchasing Threshold Matrix Appendix B: Purchase Requisition	Add "**** ALL COMPUTER SOFTWARE/HARDWARE AND MARKETING/MEDIA CONTENT MUST BE APPROVED BY THE COMMUNICATIONS/IT DIRECTOR". Add signature approval Communications/IT Director on Purchase Requisition
Clarification of language regarding completion of due diligence items prior to requesting a resolution from the City Council.	Section B.	"Prior to requesting a resolution from the City Council authorizing the City Manager to execute any and all closing documents to complete the purchase of the property.
Revisions to Table of Contents, revision to definition language for clarity	Table of Contents, definitions	renumbering, revised definition terms



CITY COUNCIL AGENDA ITEM

SUBJECT: Travel Policy Revision

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.
-

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): 2018

Current Work Session: Monday, February 14, 2022

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: After the Financial Oversight Committee was presented with the Travel Policy and Procedures, the Finance Department had additional revisions to be considered for incorporation into the City’s policy.

FACTS: The City’s Travel Policies have not been updated since the incorporation of the City. Upon a general review of the Policy by City staff and the Financial Oversight Committee, the Finance Director is presenting proposed changes for discussion with the City Council. The most substantial changes to this policy include the following: clarification on incurring expenses on behalf of the City, authorizations for travel by employees and elected officials, removal of language that references the issuance of City charge cards, and the addition of language to address disciplinary actions for elected officials and employees who violate the Policy.

OPTIONS: Discussion only

RECOMMENDED ACTION: Discussion only



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Draft Travel Policy Revisions
- (2) Attachment 2 - Travel Policy and Procedures Revision Chart

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING THE**
2 **CITY OF STONECREST, GEORGIA, TRAVEL POLICY AND PROCEDURES**

3 **WHEREAS**, the City of Stonecrest, Georgia, Mayor, and City Council are authorized by the City
4 Charter to authorize the expenditure of money for any purpose for which a
5 municipality is authorized by the laws of the State of Georgia and O.C.G.A. § 36-
6 35-4 authorizes the governing authority of each municipal corporation to fix the
7 expenses of its municipal employees; and

8 **WHEREAS**, this Ordinance seeks to provide guidelines for the payment of necessary travel
9 expenses in an efficient, cost-effective manner, and require travelers execute their
10 travel obligations at the lowest reasonable costs, resulting in the best value for the
11 citizens of Stonecrest, Georgia.

12
13 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
14 follows:

15 **Section 1:** **The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt**
16 **the City of Stonecrest, Georgia, Travel Policy and Procedures as contained in Exhibit "A"**
17 **attached hereto and incorporated herein by this reference.**

18
19 **Section 2:**

- 20 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
21 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
22 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
23 constitutional.
- 24
25 2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest
26 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
27 Ordinance is severable from every other section, paragraph, sentence; clause or phrase of
28 this Ordinance. It is hereby further declared to be the intention of the Mayor and City
29 Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause
30 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
31 sentence, clause or phrase of this Ordinance.
- 32
33 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall,
34 for any reason whatsoever, be declared invalid, unconstitutional or otherwise
35 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
36 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
37 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
38 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
39 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed

40 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance
41 shall remain valid, constitutional, enforceable, and of full force and effect.
42

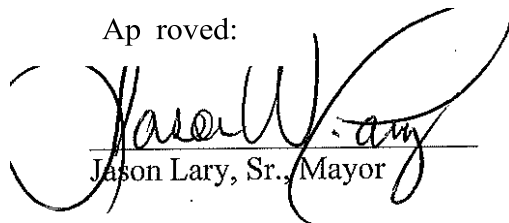
43 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are
44 hereby expressly repealed.
45

46 5. The within ordinance shall become effective upon its adoption.
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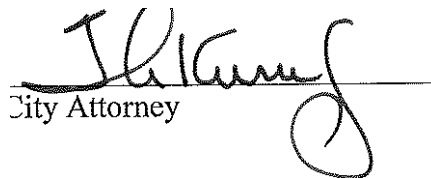
48 6. The provisions of this Ordinance shall become and be made part of The Code of the City
49 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
50 accomplish such intention

51 **SO ORDAINED AND EFFECTIVE** this the 17 day **OF** , 2018.

52 Ap roved:

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56 Jason Lary, Sr., Mayor
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59 As to form:

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63 City Attorney
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65 Attest:

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68 Brenda James, City Clerk
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CITY TRAVEL REGULATIONS

INTRODUCTION:

PURPOSE

The purpose of this Policy is to provide guidelines for payment of travel expenses in an efficient, cost-effective manner, and to enable travelers to successfully execute their travel requirements at the lowest reasonable costs, resulting in the best value for the City. Teleconferencing instead of travel should be considered when possible. Each department is charged with the responsibility for determining the necessity, available resources and justification for the need and the method of travel.

It is important for Elected Officials and employees to understand the intent of the Policy and work with their management on managing work related travel, accordingly.

AUTHORITY

The Mayor and Council are authorized to adopt rules and regulations governing in- state and out-of-state travel and travel reimbursement that promote economy and efficiency in city government, and which treat elected officials and employees fairly and equitably. Appeals from a decision under this travel policy shall be taken to the Mayor and City Council. In the event that an Elected Official appeals a decision, the Elected Official shall be recused from voting on the appeal.

COMPLIANCE AND ACCOUNTABILITY

Throughout this document words like "must" and "should" are used. When the term "must" is used, no department or individual has the authority to deviate from the specific policy/procedure. The term "should" is used to convey that departments and individuals are expected to follow the policy/procedure as written and are required to justify any departures from such policy/procedure when the specifics of the situation indicate an alternate procedure is a reasonable departure from the recommended policy/procedure.

All departments and governing body are required to follow the guidelines outlined in the City of Stonecrest Travel Regulations. For travelers with disabilities, the City has authority to provide reasonable accommodations during travel on official city business.

All requests for reimbursements under this policy should be made within thirty (30) days of incurring the expense. The City will not reimburse travelers for expense requests made more than thirty (30) days after incurring the expense.

GENERAL PROVISIONS

The City of Stonecrest reimburses travelers for reasonable and necessary expenses actually incurred in connection with approved travel on its behalf pursuant to the traveler's official duties. All reimbursements for Elected Officials must be in accordance with the City's Charter and Georgia law. The City encourages travelers to take advantage of arranged travel discounts whenever possible.

A necessary expense is one for which there exists a clear business purpose and is within the City's expense policy limitations. A clear business purpose contains all information appropriate to and the purpose for attending and how the expenditure benefited the City.

Establishing policies and procedures for travel expenses enable the City to effectively comply with federal and state regulations.

These policies are intended to be guidelines for the planning and reimbursement of all City approved travel expenses. There are several key points to remember when incurring expenses on behalf of the City:

- Under no circumstances should an individual approve his/her own expense report.
- All expense reports must be submitted by the individual who incurred the expense.
- The City will not reimburse employees or Elected Officials for personal expenses.
- All expense report and receipts are subject to the Open Records Act.
- When submitting an expense report, the traveler is subject to O.C.G.A. § 16-10-20, which lists the punishment for making false statements and writings, concealing facts, and presenting fraudulent documents in matters within the jurisdiction of state or political subdivisions.
- No advances for travel.
-

AUTHORIZATION FOR TRAVEL:

Elected Officials and employees may be reimbursed for reasonable travel-related expenses incurred while on official business for the City. Elected Officials and employees are required to sign their expense reimbursement form, attesting that the information presented on the form is accurate. Subject to the provisions outlined in these travel regulations, reimbursements are authorized for the following expenses:

CITY OF STONECREST TRAVEL POLICY AND PROCEDURES

- Meals associated with overnight travel and in certain circumstances where there is no overnight lodging;
- Lodging expenses;

- Mileage for use of a personal motor vehicle;
- Transportation expenses; and
- Certain miscellaneous expenses associated with travel, such as parking and toll fees.

Except in the case of emergencies, requests for travel authorization should be made at least seven (7) days prior to date of travel.

Employees who are required to travel for their job and are eligible for travel reimbursement should receive written authorization from their department head prior to performing the travel. Employees must utilize the travel request form for in-state and out-of-state travel. Upon return from the travel, the employee must complete an Expense Reimbursement form.

. Elected Officials will notify the City manager of their request to travel. Upon return from the approved travel, the elected official must complete an Expense Reimbursement form. The City Manager signs all elected officials' expense reimbursement forms. Per the City Council Leave of Absence Policy Sec. 2-6. (e) ..No city funds shall be expended by such member or on such member's behalf for costs or expenses incurred while the member is on a leave of absence or for any period during which a leave of absence was effective.

TRAVEL TO CONFERENCES FOR CERTIFICATION PURPOSES

Department heads, Elected Officials and employees traveling to or for certification purposes should limit their travel to these conferences and prohibit "discretionary" travel. If travel for certification is necessary, then efforts should be made to seek a location within the State of Georgia or .closer to Georgia.

REIMBURSEMENT PROCEDURES

Elected Officials and employees requesting reimbursement for travel expenses are required to submit their claim to authorized personnel on the employee expense reimbursement form within thirty (30) days of incurring the expense.

Requests for reimbursement should include the following information:

- Itemized expenses for authorized lodging, mileage, transportation, and miscellaneous expenses. The types of expenses which are authorized and the allowable limits are discussed in subsequent sections;

- Explanation of any expenses which exceed the established limits and of any unusual expenses;
- Explanation of the purpose for the tip; and
- Description of the type(s) of transportation used.

Elected Officials and employees are required to submit receipts for expenses, including:

- Meals purchased,
- Lodging,
- Airline or Railroad fares,
- Rental of motor vehicles,
- Registration Fees,
- Gasoline purchased for rental vehicles,
- Parking,
- Tollway,
- Mass transit,
- Taxi, and
- Airport vans.

If a receipt is not available, Elected Officials and employees are required to include an explanation of the expense on the travel expense statement. Credit card receipts are valid provided they contain complete details of the purchase.

BAGGAGE AND LUGGAGE FEES - Baggage and luggage fees are a reimbursable expense. All travelers should consider the extra fees charged by the airlines prior to making their travel arrangements and plan accordingly. When combining personal travel and City business travel, baggage and luggage fees should be allocated accordingly and reasonable under the circumstances.

MEALS AND INCIDENTAL TRAVEL EXPENSES:

Generally, meals are reimbursable on an actual expense basis, subject to the maximum amount below. These maximum rates for meal expense reimbursement for each day is fifty-five dollars (\$55.00). On the first and last day of travel, the maximum rates for meal expense reimbursement is capped at seventy-five (75%) the daily rate, or forty-one dollars and twenty-five cents (\$41.25).

However, the traveler may only receive reimbursement for the actual expense of the meal.

It should be noted that the City of Stonecrest Travel Regulations **does not** authorize Elected Officials and employees to receive a reimbursement for a "lunch meeting" in which the meal and meeting are the same, or when meals are otherwise provided at the meeting.

Reimbursement for meals must be reasonable and necessary.

LODGING EXPENSES:

Elected Officials and employees who travel more than 50 miles from their office and/or residence, may be reimbursed for lodging expenses associated with approved overnight travel.

Elected Officials and employees will be reimbursed for the actual lodging expenses, providing the expenses are reasonable.

Elected Officials and employees traveling overnight are responsible for ensuring the most reasonable lodging rates are obtained. To accomplish this, the employee should:

- Provide finance with information about hotel accommodations,
- Utilize minimum rate accommodations,
- Avoid the "luxury" hotels and motels, and
- Obtain city/government rates, whenever possible.

Elected Officials and employees who stay at a hotel/motel that is holding a scheduled meeting or seminar may incur lodging expenses that exceed the rates generally considered reasonable if no alternative hotels or lodging is available or the higher cost is justified in order to avoid excessive transportation costs between a lower cost hotel/motel and the location of the meeting.

Elected Officials and employees should review hotel/motel receipts to ensure that taxes have not been applied to their lodging expenses in accordance with the state tax laws and regulations. Elected Officials and employees should attempt to resolve any problems with the billing prior to checkout.

Local government officials and Elected Officials and employees traveling within the state for official business are exempt from paying the **county or municipal excise tax** on lodging ("hotel/motel" or "occupancy" tax). [OCGA 48- 13-51 (H) (3)], regardless of the payment method being used. Elected Officials and employees are required to submit a copy of the hotel/motel tax-exemption from when they register at a hotel/motel. This exemption does not apply to Elected Officials and employees staying at an out of state hotel/motel. Elected Officials and employees should be able to provide proper identification to document their employment as a City/local government employee or official.

PROHIBITED MILEAGE REIMBURSEMENT - Elected Officials and employees are not entitled to mileage reimbursement for travel between their place of residence and their official headquarters, or personal mileage incurred while on travel status.

PARKING FEES AND TOLLS -the City may reimburse elected officials and employees who incur parking and toll expenses while on official business for the City. Elected Officials and

employees that attend offsite meetings or training sessions may also be reimbursed for parking expenses. These expenses are reimbursable for travel in both city-owned and personal vehicles. Elected Officials and employees are expected to obtain receipts for these expenses. If it is not possible to obtain a receipt, then a written explanation should be included on the expense statement.

TRAVEL EXPENSES & REQUIRED RECEIPTS/DOCUMENTATION -All requests for reimbursement of mileage, parking, and toll charges must be documented on the travel expense statement and a receipt must accompany the documentation. Employee should claim mileage based on the most direct route from the point of departure to the destination.

TRAVEL BY COMMERCIAL or PUBLIC TRANSPORTATION

When commercial transportation is necessary, elected officials and employees may be reimbursed for the expenses incurred. Elected Officials and employees will be reimbursed for actual expenses incurred, provided the appropriate steps were taken to obtain the reasonable fare or cost.

Authorized department personnel must approve travel by commercial or public transportation prior to the date of travel. When considering such a request, designated personnel should consider the distance to be traveled, the travel time and the cost.

COMMERCIAL AIR TRANSPORTATION

Elected Officials and employees should utilize commercial air transportation when it is more cost effective and efficient to travel by air than by vehicle. Elected Officials and employees who choose to travel by personal vehicle when air travel is more cost effective should only be reimbursed for the cost of the lowest available airfare to the specified destination. In some instances, a higher airfare may be appropriate to reduce or eliminate for multiple stops and extended travel time.

Under such circumstances, the City of Stonecrest may reimburse elected officials and employees for expenses incurred for air travel, provided these expenses were approved prior to the date of travel. Additionally, the City may reimburse elected officials and employees for reasonable expenses associated with selecting seats or checking bags. These expenses should be included in the total cost of the airline ticket.

Elected Officials and employees who require air travel should obtain the most reasonable available airfare to the specified destination by comparing rates.

In general, it will be the City's policy that the City Officials or Elected Officials and employees traveling by commercial air carrier will not be reimbursed for the portion of non-coach (first class, business class, etc.) airfare that exceeds the cost of the most reasonable, available fare on the sameflight.

TRAVEL BY MASS TRANSPORTATION, TAXI OR AIRPORT VANS

Elected Officials and employees officially on travel status may be reimbursed for necessary costs of transportation by bus, taxi, or airport vans for the following situations:

- Between the individual's departure point and the common carrier's departure point;
- Between the common carrier's arrival point and the individual's lodging or meeting place; and
- Between the lodging and meeting places if at different locations.
- Elected Officials and employees will be reimbursed for economy parking only.

It is expected that airport vans will be utilized when available and practical, and when they are the reasonable alternative.

TRAVEL BY PERSONAL VEHICLE

A traveler may use a privately-owned vehicle for city travel. The Elected Official or employee will be reimbursed for mileage rates based on the federal per diem rate in effect.

PROHIBITED EXPENSES

The following expenses are not reimbursable unless specific legal authority has been established:

- _____
- _____
- _____ Tipping for maid services.....

- Theatre
- Entertainment
- Alcoholic beverages
- Bank charges for ATM withdrawals
- Clothing or toiletry items
- Commuting between Residence and Primary Work location
- Country Club dues
- Expenses related to vacation or personal days taken before, during or after a business trip
- Haircuts and personal grooming
- Laundry, cleaning, pressing costs
- Loss or theft of cash advance, money or airline tickets
- Loss or theft of personal funds or propeliy
- Medical expenses while traveling (*Exceptions may be made to accommodate ADA compliance*)
- Mini-bar charges
- Movies
- No-show/Cancellation fees or fees related to hotel late check-out (unless business or weather related)
- Personal reading materials (magazines, newspapers, etc.)
- Personal vehicle maintenance
- Personal entertainment
- Personal Pet care
- Recreational expenses
- Saunas, massages
- Shoe Shines
- Souvenirs or personal gifts
- Traffic citations (moving violations), parking tickets, court fees and other fines
- Travel accident insurance premiums
- Valet services for parking, when self-parking options are available, unless there are valid security reasons

DISCIPLINARY ACTIONS

Noncompliance or abuse of travel policy may result in disciplinary action, up to and including termination of employment.

Elected Officials must adhere to the Code of Ethics and other related policies and state laws governing elected officials.

_____ | _____



Travel Policy Recommendations 02.14.22

<u>Staff/Financial Oversight Committee Recommendations</u>	<u>Proposed Amendment Section</u>	<u>Proposed Language</u>
Language revisions in General Provisions Clarification on incurring expenses on behalf of the City	General Provisions	Add "No advances for Travel", removal of language that is not consistent with current policy.
Authorizations for travel for employees and elected officials	Authorization for Travel	Add " Elected Officials and employees are required to sign their expense reimbursement form attesting that the information presented on the form is accurate" "Employees must utilize the travel request form for in-state and out-of -state travel. Upon return, the employee must complete an expense reimbursement form". "Elected Officials will notify the City manager of their request to travel. Upon return from the approved travel, the elected official must complete an Expense Reimbursement form. The City Manager signs all elected officials' expense reimbursement forms. Per the City Council Leave of Absence Policy Sec. 2-6. (e) ..No city funds shall be expended by such member or on such member's behalf for costs or expenses incurred while the member is on a leave of absence or for any period during which a leave of absence was effective".
General language cleanup	Various	Various replacement and order of language in the policy for clarity
Addition of Travel by Personal Vehicle section	New	"A traveler may use a privately-owned vehicle for city travel. The Elected Official or employee will be reimbursed for mileage rates based on the federal per diem rate in effect".
Updated Prohibited Expenses	Unallowable Expenses	Changes title to "Prohibited Expenses" Removal of duplications
Removal of language that references the issuance of city charge cards	City Charge Cards	Section removed. Issuance and use of purchasing cards are addressed in the Purchasing Card Policy.
Addition of language to address disciplinary actions for employees and elected officials	New	"Noncompliance or abuse of travel policy may result in disciplinary action, up to and including termination of employment". "Elected Officials must adhere to the Code of Ethics and other related policies and state laws governing elected officials".



CITY COUNCIL AGENDA ITEM

SUBJECT: Financial Report

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, February 14, 2022

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs

PURPOSE: The Finance Department creates monthly reports that will be made public via the City's website. The Finance Director will lead a discussion on the City's financial status through November 2021.

FACTS: Click or tap here to enter text.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Discussion only Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - November 2021 Financial Report
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



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100 GENERAL FUND REVENUES	FY 2021 Original Budget	Amendments	FY 2021 Amended Budget	Unaudited Revenues as of 11/30/2021	% of Budget Received	2021 Revenues Remaining	2020 YTD Revenues	Prior year variance
031 Taxes	\$10,667,500	\$481,825	\$11,149,325	\$8,299,049	74%	\$2,850,276	\$7,900,132	\$398,918
032 Licenses & Fees	1,976,900	0	1,976,900	2,957,156	150%	-980,256	4,187,645	-1,230,489
033 Intergovernmental Revenues	497,500	0	497,500	497,475	100%	25	562,496	-65,021
034 General Government	12,100	0	12,100	63,161	522%	-51,061	6,877	56,284
035 Fines and Forfeitures	-	0	-	18,733	0%	-18,733	15,369	3,364
036 Interest Revenues	400	0	400	653	163%	-253	94	559
037 Con/Don from Private Sources	-	0	-	306	0%	-306	-	306
038 Misc Revenue	-	0	-	-	0%	0	31,354	-31,354
039 Other Financing Sources	339,000	0	339,000	-	0%	339,000	290,310	-290,310
Total General Fund Revenues	\$13,493,400	\$481,825	\$13,975,225	\$11,836,534	85%	\$2,138,691	\$12,994,277	-\$1,157,743

100 GENERAL FUND EXPENDITURES	FY 2021 Original Budget	Amendments	FY 2021 Amended Budget	Unaudited Expenditures (incl encumb) as of 11/30/2021	% of Budget Spent	2021 Expenditures Remaining	2020 YTD Expenditures	Prior year variance
05110 Mayor & City Council	\$478,675	-\$38,600.00	\$440,075	\$158,518	36%	\$281,557	\$ 145,582	\$12,936
05130 City Manager	223,898	210,000	433,898	364,332	84%	69,566	195,067	169,265
05131 City Clerk	246,458	0	246,458	147,580	60%	98,878	152,735	-5,155
05135 Public Works	940,613	142,000	1,082,613	275,436	25%	807,177	292,106	-16,670
05136 Public Safety	25,000	0	25,000	-	0%	25,000	14,000	-14,000
05151 Finance Administration	861,463	150,000	1,011,463	565,830	56%	445,633	436,355	129,475
05152 Human Resources	-	0	-	-	0%	0	-	0
05153 Legal Services Department	620,000	0	620,000	608,481	98%	11,519	571,151	37,330
05154 Internal Audit Department	-	0	-	-	0%	0	-	0
05155 Economic Development	395,970	-16,350	379,620	149,728	39%	229,892	324,277	-174,548
05156 Facilities & Bldg/ City Hall	583,500	159,000	742,500	524,669	71%	217,831	334,538	190,130
05157 Communications	486,613	-90,000	396,613	301,345	76%	95,268	352,201	-50,856
05158 It/Gis	462,000	0	462,000	352,786	76%	109,214	312,706	40,080
05159 General Operations	483,320	0	483,320	481,737	100%	1,583	493,685	-11,948
05900 Designated Reserve	57,484	171,775	229,259	-	0%	229,259	-	0
05160 Municipal Court	-	0	-	72,120	0%	-72,120	54,461	17,659
05159 General Operations	-	0	-	-	0%	0	2,500	-2,500
06210 Parks Administration	3,364,205	-200,000	3,164,205	1,413,137	45%	1,750,888	1,197,642	215,495
07210 Community Development	653,213	0	653,213	480,021	73%	173,192	508,712	-28,691
07220 Business Development	295,980	-6,000	289,980	107,469	37%	182,511	189,318	-81,849
07330 Community & Cultural Affair	203,000	0	203,000	116,515	57%	86,486	127,424	-10,910
08210 Code Enforcement	1,102,463	0	1,102,463	839,445	76%	263,018	887,100	-47,655
09210 Building	1,018,745	0	1,018,745	809,226	79%	209,519	848,322	-39,096
09300 Other Financing Uses	990,800	0	990,800	215,000	22%	775,800	-	215,000
Total General Fund Expenditures	\$13,493,400	\$481,825	\$13,975,225	\$7,983,374	57%	\$5,991,672	\$7,439,883	\$543,491



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275 HOTEL MOTEL FUND REVENUES	FY 2021 Original Budget		FY 2021 Amended Budget		Unaudited Revenues as of 11/30/2021	% of Budget Received	2021 Revenues Remaining	2020 YTD Revenues	Prior year variance
	Budget	Amendments	Budget	Amendments					
031 Taxes	\$565,000	\$0	\$565,000	\$0	\$813,192	144%	-\$248,192	\$535,605	\$277,588
Total Hotel Motel Fund Revenues	\$565,000	\$0	\$565,000	\$0	\$813,192	144%	-\$248,192	\$535,605	\$277,588

275 HOTEL MOTEL FUND EXPENDITURES	FY 2021 Original Budget		FY 2021 Amended Budget		Unaudited Expenditures (incl encumb) as of 11/30/2021	% of Budget Spent	2021 Expenditures Remaining	2020 YTD Expenditures	Prior year variance
	Budget	Amendments	Budget	Amendments					
05155 Economic Development	\$565,000	\$0	\$565,000	\$0	\$301,529	53%	\$263,471	\$343,030	-\$41,501
Total Hotel Motel Fund Expenditures	\$565,000	\$0	\$565,000	\$0	\$301,529	53%	\$263,471	\$343,030	-\$41,501

300 SPLOST FUND REVENUES	FY 2021 Original Budget		FY 2021 Amended Budget		Unaudited Revenues as of 11/30/2021	% of Budget Received	2021 Revenues Remaining	2020 YTD Revenues	Prior year variance
	Budget	Amendments	Budget	Amendments					
033 Intergovernmental Revenues	\$6,980,000	\$0	\$6,980,000	\$0	\$8,053,587	115%	-\$1,073,587	\$6,721,137	\$1,332,449
036 Interest Revenues	2,800	-	2,800	-	3,282	117%	-482	2,625	657
039 Other Financing Sources	497,500	-	497,500	-	-	0%	497,500	-	-
Total Splost Fund Revenues	\$7,480,300	\$0	\$7,480,300	\$0	\$8,056,868	108%	-\$576,568	\$6,723,762	\$1,333,107

300 SPLOST FUND EXPENDITURES	FY 2021 Original Budget		FY 2021 Amended Budget		Unaudited Expenditures (incl encumb) as of 11/30/2021	% of Budget Spent	2021 Expenditures Remaining	2020 YTD Expenditures	Prior year variance
	Budget	Amendments	Budget	Amendments					
05135 Public Works	\$8,000,000	\$0	\$8,000,000	\$0	\$2,452,164	31%	\$5,547,836	\$3,800,717	-\$1,348,553
05156 Facilities & Bldg/ City Hall	1,000,000	-	1,000,000	-	2,024,520	202%	-1,024,520	-	2,024,520
05159 General Operations	-	-	-	-	25	0%	-25	-	25
06210 Parks Administration	1,750,000	-	1,750,000	-	-	0%	1,750,000	93,241	-93,241
Total Splost Fund Expenditures	\$10,750,000	\$0	\$10,750,000	\$0	\$4,476,709	42%	\$6,273,291	\$3,893,958	\$582,751



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-008, Adult Day Center

AGENDA SECTION: *(check all that apply)*

- PRESENTATION** **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.
-

CATEGORY: *(check all that apply)*

- ORDINANCE** **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment
-

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, February 3, 2022

Current Work Session: Monday, February 14, 2022

Current Council Meeting:

Previously Heard Date(s): Click or tap to enter a date. -

SUBMITTED BY: Keedra T. Jackson, MPA – Senior Planner

PRESENTER: Keedra T. Jackson

PURPOSE: To discuss and seek City Council guidance on draft TMOD-22-008, Adult Day Center Text Amendment

FACTS: See staff report.

OPTIONS: Choose an item. Discussion only

RECOMMENDED ACTION: Discussion only

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-012 Staff Report
- (2) Attachment 2 - Proposed changes to Chapter 27 – Zoning Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



PLANNING & ZONING STAFF REPORT

MEETING DATE: February 14, 2022

GENERAL INFORMATION

Petition Number:	TMOD 22-008
Applicant:	Stonecrest Planning & Zoning Department
Project Location:	City-Wide
Proposed Amendment:	Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Adult Day Center definitions and use regulations.

FACTS AND ISSUES

At the January 21, 2022, City Council Meeting. Council directed staff to analyze the Adult Day Center ordinance to offer suggested revisions to be in aligned with the Personal Care Home provisions adopted by Council in 2021. Staff has identified some recommended changes to the Zoning Ordinance to address this issue. These changes include:

- Change the term from Adult Day Care Center and Adult Day Care Facility to reflect the rules and regulations of the State of Georgia
- An updated definition of Adult Day Center
- Updated supplemental regulations that require the business owner to be owner-occupied
- Distance separation requirement for Adult Day Center
- Updated the zoning code to mirror the state’s definition of “three or more persons”
- Updated Use Table to remove adult day center from residential districts

PROPOSAL

There has been concern about the number and quality of Adult Day Care Centers in residential zoning districts. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses and allow staff to make the necessary changes to reflect the definitions and regulations as defined by the State of Georgia. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive.

RECOMMENDED ACTION

Staff recommends approval of the text amendment as drafted by staff.



PLANNING & ZONING STAFF REPORT

Attachment: Track Changes version of the Zoning Ordinance related to TMOD-22-008

TMOD-22-008 TRACK CHANGES

USE TABLE 4.1

KEY: P - Permitted use Pa - Permitted as an accessory use		SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)																								
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2	
Services																										
Adult day care center—7 or more								P	P	P	P		P	P	P	P	P	P	P				P	P	P	X
Adult day care facility—Up to 6-4	S	S	S	S	S	S	S	S	SP	SP		SP			P	P	P	P			P	P	P	P	X	

Sec. 4.2.5. Adult Daycare Center (up to six four clients for residential districts).

Each Adult Daycare facility Center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each Adult Daycare Center shall provide off-street parking spaces as required by the applicable zoning district.
- C. No Adult Daycare Center shall be located within 1,000 feet of another Adult Daycare Center.
- D. No Adult Daycare facility Center may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
 - 1. Permit application. Persons seeking to operate an Adult Daycare facility Center in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed Adult Daycare facility Center will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
 - 2. Notwithstanding the above provisions, if a proposed Adult Daycare facility Center is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.
 - 3. Operation hours shall be between 6am-6pm, Monday-Friday.
 - 4. Where an Adult Daycare Center is allowed as a special use permit.

Article 9 Definitions

~~Adult daycare center means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day time hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare center" may also include recreational and social activities for said persons.~~

Adult Daycare Center- A facility, whether operated for profit or not, that undertakes through its ownership or management to provide for less than 24-hour per day, basic adult day care

or adult day health services to 4 or more adults, not related by blood or marriage, who require basic services. Includes any establishment that regularly provides adult custodial services.



CITY COUNCIL AGENDA ITEM

SUBJECT: Formation of Transportation Committee

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Discussion
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Committee
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Current Work Session: Monday, February 14, 2022

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: This item is intended to review the merits of creating a Transportation Committee.

FACTS: Click or tap here to enter text.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Discussion only

ATTACHMENTS:

(1) Attachment 1 - Stonecrest Transportation Committee Resolution

1 STATE OF GEORGIA

2

3 CITY OF STONECREST

4

5 RESOLUTION NO. 2022 - _____

6

7 A RESOLUTION OF THE CITY OF STONECREST GEORGIA TO ESTABLISH

8 THE STONECREST TRANSPORTATION ADVISORY STEERING COMMITTEE

9 OF THE CITY OF STONECREST; AND FOR OTHER LAWFUL PURPOSES;

10

11 WHEREAS, the City of Stonecrest (“City”) was created by Senate Bill 208, passed in the
12 Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum;
13 and

14 WHEREAS, Senate Bill 208 provided a charter for the City of Stonecrest (the "City
15 Charter"); and

16 WHEREAS, the City Charter was amended by SB 21 on April 1, 2021; and,

17 WHEREAS, Section 1.03(b)(42) of the City Charter grants the City the power to exercise
18 and enjoy all other powers, functions and rights necessary or desirable to promote the general
19 welfare of the City and its inhabitants; and

20 WHEREAS, Section 3.01 (a)(9) of the City Charter gives the Mayor Pro Tem and the City
21 Council the power to establish oversight and policy committees of the city council; and

22 WHEREAS, Section 2-137 of Chapter 2 of the Code of the City of Stonecrest, Georgia
23 provides that the Mayor Pro Tem and council may establish advisory committees; and

24 WHEREAS, the city council recognizes the need to establish a citizen advisory
25 committee before offering a resolution of the city’s ultimate desires for various forms of
26 transportation solutions to address transportation needs in Stonecrest, GA.; and

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WHEREAS, the City Council finds that the public health, safety and welfare of the citizens of Stonecrest, as well as the interests of the City of Stonecrest Public Transportation options and its stakeholders, will best be served by establishing a Stonecrest Transportation Advisory Steering Committee which will be comprised of public citizens of the City of Stonecrest; and

WHEREAS, the Stonecrest Transit Policy Advisory Steering Committee will review various modes of transportation and make recommendations to the City Council on the most desired mode of public transit for the Stonecrest area, Explore various recommendations for trails studies in the city of Stonecrest and make recommendations to City Council, explore various options for path studies in the city of Stonecrest and make recommendation to city council, follow the development of the Freight Cluster Study and make reports to city council, And explore recommendations for public transit connectivity to MARTA and other regional mobility sources.

BE IT AND ITS HEREBY RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, and by the authority thereof: authorizes the establishment of **THE STONECREST TRANSPORTATION ADVISORY STEERING COMMITTEE OF THE CITY OF STONECREST, GEORGIA.**

BE IT FURTHER RESOLVED, that the Stonecrest Transportation Advisory Steering Committee of the City of Stonecrest, Georgia shall be governed pursuant to the following:

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**ESTABLISHMENT AND AUTHORIZATION OF THE STONECREST
TRANSPORTATION ADVISORY STEERING COMMITTEE OF THE CITY
OF STONECREST GEORGIA**

- 57 1. There is hereby established the Stonecrest Transportation Advisory Steering Committee of
- 58 the City of Stonecrest, Georgia (the "Stonecrest Transportation Committee").
- 59
- 60 2. That two or more councilmembers will be a member of the Stonecrest Transportation
- 61 Committee.
- 62
- 63 3. That the city manager or her designee shall oversee the meetings of the Stonecrest
- 64 Transportation Committee and shall be an ex-officio, non-voting member of the Stonecrest
- 65 Transportation Committee.
- 66

67

DUTIES

- 68 1. The Stonecrest Transportation Committee shall study and research City matters of interest
- 69 and importance related to the City's transportation and shall report recommendations to the
- 70 City Council regarding resolutions to the most desired modes of Transportation in the areas
- 71 of; heavy rail, light rail, bus rapid transit and distribution strategies.
- 72
- 73 2. The Committee with further monitor and assist with evaluations of the Freight Cluster
- 74 Study, Path Study and Trails Study initiatives. The Stonecrest Transportation Committee
- 75 may thereafter, from time to time, offer additional written recommendations to the City
- 76 Council regarding the Stonecrest Transportation Plan.

77

MEMBERSHIP

- 78 1. Except as provided in subsection (2) of this Section III, the Mayor and City Council shall
- 79 establish qualifications for members of the Stonecrest Transportation Committee. Each
- 80 committee member shall be nominated by the Mayor Pro Tem and approved by the City
- 81 Council.
- 82 a. Membership of the Stonecrest Transportation Committee shall consist of any of the
- 83 following:
- 84 i. a resident of the City;
- 85 ii. a member of the City Council;
- 86 iii. a recommendation from the Atlanta Board;
- 87 iv. owners of properties or businesses which are located in Stonecrest;
- 88 v. persons or corporations doing a substantial part of their business in
- 89 Stonecrest;
- 90 vi. a representative of the Stonecrest Business Alliance Inc.; or

91 vii. a representative of the Arabia Mountain Heritage Area Alliance, Inc.

92
93 2. Should the Stonecrest Transportation Committee member move out of the City or no longer
94 be an owner or an officer of a business domiciled in the City, he/she may remain active until
95 the Mayor Pro Tem and City Council appoint his or her replacement.

96
97 3. Members must attend two-thirds of the Stonecrest Transportation meetings in a calendar year.
98 Failure to do so warrants removal from the Stonecrest Transportation Committee.

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TERMS

101 1. Each Stonecrest Transportation Committee member shall serve until the succeeding end of the
102 City's fiscal year. Consecutive terms are permissible.

103 2. Members filling vacancies shall serve the remainder of the term to which they were appointed.
104 A consecutive appointment is permissible. If a member's term expires those members shall
105 continue to serve until a replacement is appointed or a consecutive appointment is made.

106 3. Any member may be removed with or without cause by the City Council.

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COMPENSATION

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110 Stonecrest Transportation Committee members will serve without compensation.

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QUORUM

112 A majority of the actual number of Stonecrest Transportation Committee members shall
113 establish a quorum at the initial meeting. The number of members to establish a quorum may
114 thereafter be specified by that Committee's rules of procedure. Any action taken requires a
115 majority of affirmative votes of the quorum present.

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GOVERNANCE

- 122 1. The Stonecrest Transportation Committee shall adopt its rules of procedure, which shall be
- 123 substantially similar to the rules of procedure of the City Council and determine its time of
- 124 meeting. The date and time of each meeting as well as agenda items to be considered shall be
- 125 publicized in the same manner as meetings of the Mayor and Council.
- 126
- 127 2 All meetings at which official action is taken shall be open to the public and all records
- 128 maintained by the Stonecrest Transportation Committee shall be public records unless
- 129 expressly exempted by a provision of the State's Open Records Act. The Stonecrest
- 130 Transportation Committee shall keep minutes of its proceedings, showing the vote of each
- 131 member upon each question, and records of its examinations and other official actions, all of
- 132 which shall be filed in the office of the City Clerk. Copies of the minutes shall be sent to the
- 133 Mayor and each member of the City Council. The minutes of the proceedings shall be a public
- 134 record. This section shall not be construed as prohibiting closed sessions when permitted by
- 135 the State Open Meetings and Open Records Acts.
- 136
- 137 3 Expenditures of the Stonecrest Transportation Committee, if any, shall be within the amounts
- 138 appropriated for the purposes intended by the Mayor and City Council during the annual
- 139 budgeting process.

140

INITIAL MEMBERS

141 The initial members of the Stonecrest Transportation Committee shall be as follows:

- 1421. Councilman George Turner
- 1432. Councilwoman Tara Graves
- 1443. Open
- 1454. Open
- 1465. Open
- 1476. Open
- 1487. Open
- 1498. Open
- 1509. Open
- 15110. Open
- 15211. City Manager or Designee

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154 **BE IT FINALLY RESOLVED**, This Resolution shall be effective immediately upon its
155 approval.

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[SIGNATURE ON THE FOLLOWING PAGE]

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SO RESOLVED this the _____ day of _____ 2022.

CITY OF STONECREST, GEORGIA

George Turner, Jr., Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney