

CHAPTER 2-2

ADMINISTRATION

(Ordinance of 6/7/79; Amended 12/6/79; 1/8/81; 6/18/81; 2/18/88; 2/16/89; 2/1/96; 9/5/96; 2/6/97; 3/20/97; 11/19/98, 08/19/99, 01/20/00; 10/19/00, 5/17/01, 11/15/01, 02/21/02, 03/07/02, 04/04/02, 07/02/02, 05/08/03, 02/17/05, 08/18/05, 9/01/05, 9/15/05, 12/16/10, 01/06/11, 03/17/11, 05/05/11, 05/19/11, 07/07/11, 07/21/11, 09/05/13, 06/02/15, 09/17/15, 01/07/16, 08/18/16, 12/15/16)

ADMINISTRATION ORDINANCE

2-2-1 Board of Commissioners -- Procedures.

The following shall be the rules and procedures governing the Board of Commissioners of the County:

- a. **Officers.** The Board of Commissioners shall on annual basis elect a chairman and vice-chairman, and such other officers as the Board of Commissioners may direct. All officers shall hold office until their successors have been duly elected and qualified or until their removal. Any officer may be removed either with or without cause by a vote of majority of the Board of Commissioners.
- b. **General powers, duties and functions.** The following shall be the duties, powers and functions of the chairman of the Board of Commissioners:
 1. Sign all correspondence addressed to the chief executive of the County.
 2. Sign in the name and on behalf of the Board of the County all resolutions adopted by the Board, in each case his or her signature being attested by the clerk or the deputy clerk.
 3. Sign all contracts, conveyances and other documents in the name of and on behalf of the County, the execution of which is authorized by the Board of Commissioners in each case his or signature being attested by the clerk or deputy clerk.
 4. Unless otherwise directed by the Board of Commissioners, serve as the official representative of the Board at all functions at which the County is invited to be represented; provided that the chairman may at his or her option designate another person to serve in his stead.

5. Preside over all regular and special meetings of the Board of Commissioners.
6. Call special meetings of the Board of Commissioners on a reasonable notice which may be telephonic but which shall include a statement of the reason or reasons for calling the special meeting.
7. Determine the agenda for each regular or special meeting and give directions to the Clerk with respect thereto; provided, however, that this shall in no wise prohibit any member of the board from designating an item to be placed on the agenda. The Chairman or any member of the Board of Commissioners with the approval of the Board of Commissioners may place an item on the agenda at any time prior to the adjournment of the meeting, if the matter deals with an emergency situation or is a matter of extreme importance to Glynn County. (Amended 05/05/11)

Procedures for placing an item on an agenda of a regularly scheduled open meeting of the Board of Commissioners are as follows:

- (A) Each notice to place an item on the agenda must be in writing and delivered or emailed to the County Clerk prior to 12:01 p.m. on Wednesday of the week preceding the week in which the meeting is to be held. The notice should detail specifically the manner in which the item should be worded on the agenda. Notices may be hand delivered to the Clerk of the Glynn County Board of Commissioners; however, notices emailed to the County Clerk at countyclerk@glynncounty-ga.gov are preferred. Notices sent to the Clerk by inter-office mail will not be placed on the agenda.
- (B) Notice of each agenda item that requires action by the Board of Commissioners shall be accompanied by support documentation, which should include a Course of Action Memorandum providing background information, alternative means or methods of resolution, a funding source (if applicable), and a recommended motion.

- (C) Failure to provide a timely agenda notification request, or support documentation when action is required by the Board of Commissioners, will result in the item not being placed on the agenda. Handouts at meetings are not favored by the Board of Commissioners but may be accepted at the discretion of the Chairman. If not accepted by the Chairman, documents handed out at the meeting will not be accepted or considered by the Board of Commissioners.
 - (D) No new ordinance or amendment to any existing ordinance of Glynn County shall be presented to the Glynn County Board of Commissioners for its consideration as part of any consent agenda.
8. Refer agenda or other items to appropriate committees for recommendation and report back to the Board.
 9. Conduct all meetings in accordance with Robert's Rules of Order unless the Board of Commissioners shall adopt other rules.
 10. Be entitled to discuss and to vote upon any matter coming before the Board, but he shall have no veto power with respect to the actions of the Board.
 11. Between meetings of the Board, refer matters to committees for recommendation or report without waiting for the next meeting for such reference to the end that the committee to which the item is assigned may, if possible, consider the matter and report back to the board earlier than would otherwise be possible.
 12. Annually prepare a list of proposed committees for the calendar year, which shall specify the names, duties, and functions of each such committee. This list shall be presented to the full Board as soon as possible after January first in each year, and the names, number and functions of the several committees shall be as finally determined and approved by the Board.

13. Recommend to the full Board committee assignments for each committee including a recommendation as to who shall serve as chairman of each committee, which recommendation shall be submitted to the full Board at the time the list of proposed committees is submitted and the committee assignments and the committee chairmanships shall be as finally determined by the full Board.
 14. In the event the Chairman should fail to make annual proposals for committees and committee membership, committees and committee assignments made the preceding year shall thereafter continue from year to year until the chairman makes additional or alternate proposals or unless and until the Board of Commissioners shall elect to make changes.
 15. Whenever the Board is authorized or required by law to name representative of the Board or of the County to serve as a member of another body or agency, the Chairman shall submit nominations for such appointment, in each case, the nomination to be subject to the approval of the full Board. Members of the Board shall have the right to submit additional nominations from the floor.
 16. Upon the advice of the County Attorney, execute in behalf of Glynn County all deeds for the purpose of re-conveying any interest Glynn County may have in real property which Glynn County obtained, as a result of Sheriff's sale for delinquent taxes, and then solely for the purpose of allowing the person legally entitled thereto, to redeem such property.
- c. **Vice-Chairman.** The Vice-Chairman shall possess the power and may perform the duties of chairman in his or her absence or disability and shall perform such other duties as may be prescribed from time to time by the Board of Commissioners.

2-2-1.5

Office of the County Manager (#O-2015-04)

- (a) **Office Created / Appointment of the County Manager.**
- (1) Pursuant to O.C.G.A. § 36-5-22, there is created the office of the county manager of Glynn County. Whenever reference is made in all other places in the Code to the "county administrator", the words shall be read to mean the "county manager" henceforth.

- (2) The county manager shall be the chief administrative officer and head of the administrative branch of county government. Such county manager shall be responsible to the board of commissioners for the proper administration of all affairs of the county, except as otherwise provided by law.
 - (3) The county manager shall be appointed by a majority vote of the board of commissioners of Glynn County who shall determine and prescribe his or her compensation and term of office. No member of the board of commissioners shall be appointed county manager on either a permanent or interim basis during the term of office for which he or she is elected or for a period of two years after terminating his or her office as an elected official of Glynn County.
 - (4) The county manager shall be chosen by the board of commissioners solely upon the basis of the person's executive and administrative qualifications, with special reference to the person's actual experience in, or knowledge of, accepted practices in respect to the duties of the office as set forth in this Code. The board of commissioners shall prescribe such educational and experience requirements for selection as county manager as the board may from time to time deem appropriate, but the required qualifications for such position shall not be changed or revised during the term of the contract of a county manager.
- (b) **Contract for County Manager.** The Board of Commissioners shall contract with the county manager on such terms as it may deem reasonable and prudent.
- (c) **General Powers, Duties, and Responsibilities.** The powers, duties, and responsibilities of the county manager shall include the following:
- (1) Administer and carry out the directives and policies of the board of commissioners and enforce all orders, resolutions, ordinances and regulations of the board to ensure that they are faithfully executed.
 - (2) Appoint, manage, supervise, evaluate and, when required, discipline and/or remove assigned staff;
 - (3) Ensure compliance with all applicable codes, laws, rules, regulations, standards, policies and procedures; initiate any actions necessary to correct deviations or violations;

- (4) Carry out the policies adopted by the board of commissioners; facilitate the flow and understanding of ideas and information between and among the board of commissioners, employees, and citizens;
- (5) Prescribe and implement standards of administrative, management and operating practices and procedures to be followed and adhered to by all departments, offices, and agencies which are subject to the manager's supervision and jurisdiction;
- (6) Consult with department directors, elected, appointed, and other officials to review operations and activities, review/resolve problems, receive advice/direction, and provide recommendations; prepare and present briefings and concepts;
- (7) Prepare a comprehensive annual budget and capital improvement program for consideration by the board of commissioners; keep the board fully advised as to the financial condition and needs of the county;
- (8) Develop and implement long and short-term plans, goals, and objectives for the county and/or individual departments/divisions; develop performance measurement systems for county services; evaluate efficiency and effectiveness of county/department operations, methods, procedures, and use of resources; recommend and/or implement improvements as needed;
- (9) Respond to complaints and questions related to county or department operations, activities, or other issues; provide information, research problems, and initiate problem resolution;
- (10) Communicate with county officials, other departments, employees, local/state agencies, contractors, consultants, the public, community organizations, businesses, and other individuals as needed to coordinate work activities, review status of work, exchange information, resolve problems, or give/receive advice/direction;
- (11) Maintain a comprehensive and current knowledge of applicable laws/regulations; maintains an awareness of new trends and advances in the profession;
- (12) Coordinate projects and activities with departments,

contractors, consultants, outside agencies, or others as needed;

- (13) Negotiate leases, contracts, and other agreements including consultant services, for the county;
- (14) See that all terms and conditions of all leases, contracts, and agreements are performed and notify the board of commissioners of any noted violation thereof;
- (15) Confer with, advise, and assist other county and quasi-county public authorities and agencies, which are not under the direct control and supervision of the board of commissioners, but which may depend upon appropriations of the board for their continued operation;
- (16) Confer with, advise, and assist all elected or appointed officials of the county who are not under the immediate control of the board, but who receive financial support from the board, such as the sheriff, clerks of superior and state courts, tax commissioner, judges, and similar officials;
- (17) Monitor and propose updates of the county's employee pay plan from time to time and to recommend the salaries and other compensation to be paid to county employees lawfully employed by the county government;
- (18) Coordinate daily work activities; organize, prioritize, and assign work; monitor status of work in progress and inspects completed work; confer with assigned staff, assist with complex/problem situations, and provide technical expertise; and
- (19) Perform such other duties as may be prescribed by ordinance, policy, or resolution of the board of commissioners and to perform such other legally permissible and proper duties and functions as the board of commissioners may assign from time to time.

(d) Interim/Acting County Manager

- (1) In the event of the resignation, death, termination, or dismissal of the county manager or in the event of the incapacity or inability of the county manager to perform the duties of the office, the board of commissioners, as soon as practicable, shall designate a qualified individual to act as interim or acting county manager until the selection of a replacement for said

county manager is made or until the termination of the incapacity or inability occurs, whichever may be the case.

- (2) In the event that the county manager anticipates an extended absence of more than fourteen continuous days from Glynn County, the county manager may, in his or her discretion, designate a qualified individual to serve as acting county manager during such absence.

2-2-2 Same -- Committees.

- a. Committees shall have such duties, functions and jurisdictions as shall from time to time be recommended by the chairman and finally approved by the Board of Commissioners.
- b. Whenever a matter is referred to a committee with power to act, the committee to which the matter has been referred shall be entitled to act for and on behalf of the Board provided that any such action shall require the affirmative votes of a majority of the members of the committee and in every case, the committee shall report back to the Board advising of the action taken.
- c. Ex officio members. Each member of the Board of Commissioners shall be an ex officio member of all committees appointed by the Board of Commissioners.

2-2-3 Same -- Regular Meetings.

- a. The Board of Commissioners of the County shall meet on the first and third Thursdays in each month at 6:00 p.m. or such other time as the Chairman or Board of Commissioners may designate, or on each Wednesday at 12:00 noon, or on the Tuesday prior to those Thursdays meetings at 6:00 p.m. or such other time as the Chairman or Board of Commissioners may designate if the Chairman shall call for such Tuesday or Wednesday meeting by preparing an agenda for same no later than the Thursday or Friday just prior to such Tuesday or Wednesday, and all said meetings shall be deemed to be regular meetings at which any action which the Board of Commissioners is authorized to perform may be taken. Any of the regular meetings, which would otherwise have been held, may, by vote of the majority of the Board, be canceled or postponed to a day and time certain. If the meeting is postponed, the meeting held upon the postponement date shall be deemed to be a regular meeting. If, at any time, there shall not be at least four (4) members of the Board present at a meeting, those present shall adjourn until the next regular meeting and the matters which would otherwise have been disposed of at the next regular meeting provided, however, that nothing herein contained

shall be deemed to prevent the calling of a special meeting in accordance with the rule established by the Board from time to time and any items which would otherwise have been disposed of at said adjourned meeting may be taken up at such special meeting. (O#2000-02)

- b. More than one-half of the members of the Board of Commissioners shall be necessary to constitute a quorum for the transaction of business at any meeting, but a lesser number may adjourn the meeting.
- c. The affirmative vote of four (4) members of the Board of Commissioners shall be necessary for the transaction of any business at any meeting.

2-2-4 Same -- Special Meetings.

- a. In addition to special meetings, which may be called by the Chairman, any member of the board may make a formal request of the Chairman that he call a meeting of the Board whereupon the Chairman shall call the meeting upon reasonable notice to all Commissioners. If the Chairman should fail to act within twenty-four (24) hours, three (3) members of the Commission may call such special meeting, provided, however, reasonable notice must be given.
- b. No special meeting shall be called either by the Chairman or by members of the Board unless the notice given shall specify the subject matter to be considered or, unless after the meeting is assembled and all are present, all Commissioners agree that they may proceed to transact business not specified in the call.
- c. Each Commissioner, if possible, shall be notified of the time, date and place of a special meeting, and a record kept of such notification or attempt of notification.

2-2-5 County Courthouse and County Office Hours.

The County Courthouse and all County offices, as defined by the law of the state, shall be open for business Monday through Friday during the hours from 8:00 a.m. until 5:00 p.m., except those days which are declared to be public and legal holidays by state law, or as may hereafter be established by appropriate resolution of the Board of Commissioners. This section shall be applicable to all County offices and the offices of all County officers.

2-2-6 Legal Holidays.

The Board of Commissioners hereby authorizes the following legal holidays in addition to other holidays declared as such by state law upon which the County Courthouse and County offices will be closed:

New Year's Day
Martin Luther King, Jr.'s Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day After Thanksgiving
Christmas Day

2-2-7 Advisory Committees.

The Board of Commissioners by ordinance may create citizens advisory committees and appoint members to serve thereon. The purpose of such advisory committees shall be to consider, investigate and report to the Board of Commissioners on matters and subjects assigned to such committee by the Board of Commissioners. Unless otherwise provided in the ordinance creating the advisory committee, all members of the advisory committee shall serve at the pleasure of the Board of Commissioners even though such members are appointed for a specific term of years. If the ordinance creating the advisory committee provides that a member of that committee may only be removed for cause, such provision in the ordinance creating the advisory committee shall be controlling. If a member of an advisory committee serves at the pleasure of the Board of Commissioners, even though such member was appointed for a specific term, the member may be removed from such a committee by majority vote of the Board of Commissioners. However, any board, commission or committee which is organized so that its members are nominated by an individual District or At-Large Commissioner shall have his or her term end six (6) months after the ending date of that nominating Commissioner's term of office. This latter provision shall not apply to persons whose nominating Commissioner fails to complete their term of office nor shall appointments which can be nominated by any member of the Board of Commissioners be effected by this provision unless expressly made so by the Board of Commissioners (#O-1998-20)

- a. Citizens advisory committees authorized to consider, investigate and report to the Board, not authorized elsewhere in the Code of Ordinance are;

1. Altamaha Regional Park Advisory Committee
2. Blythe Island Regional Park Advisory Committee
3. Casino Advisory Committee
4. Selden Park Advisory Committee
5. Long Term Water Resources Management Advisory Committee
6. Local Emergency Planning Advisory Committee
7. Citizens Solid Waste Management Advisory Committee
8. Martin Luther King Boulevard Advisory Committee (#O-1998-20)

2-2-7.1

Appointments and Nominations. (#O-2013-06 of 09/05/13)

- (a) **Multiple Appointments.** After September 5, 2013, no person shall be appointed or nominated by the Board of Commissioners to serve on any board, commission, committee, or authority if such person is already serving on another board, commission, committee, or authority due to: 1) appointment or nomination by the Board of Commissioners, including appointments and nominations made by the Board of Commissioners independently and appointments and nominations made as part of a joint appointment, nomination, or submission with another entity; or 2) appointment or nomination by an entity making such appointment or nomination under the authority of or at the direction of the Board of Commissioners, which includes, but is not limited to, appointments made to the Glynn County Airport Commission.

Notwithstanding anything to the contrary, this Section 2-2-7.1(a) shall not limit, and shall not be construed as a limitation on the number of other boards, commissions, committees, or authorities on which members of the Glynn County Board of Commissioners may simultaneously serve, provided that such appointment or nomination is otherwise permitted and/or required by law.

- (b) **Resume, Curriculum Vitae, Letter/Statement of Interest.** After September 5, 2013, no person shall be eligible to be appointed or nominated by the Board of Commissioners to serve on any board, commission, committee, or authority unless, at least nine (9) calendar days prior to the date in which the appointment or nomination is made, a resume, curriculum vitae, or letter or statement setting forth the background and skills of the person interested in the appointment or nomination is submitted to and received by the County Clerk in writing. This Section 2-2-7.1(b) shall not apply to the appointment or nomination of the members of the Glynn County Board of Commissioners to any board, commission, committee, or authority.

2-2-8 Protection of Civil Rights

The Glynn County Board of Commissioners, may establish provisions for protection of civil rights from discrimination based upon race, color, religion, sex, national origin, age, or disability by providing and ensuring the equal rights of all persons within each of the foregoing classifications. These classifications shall be exclusive of all others, and no other classifications shall added thereto by the Glynn County Board of Commissioners in promulgating, enacting, adopting, or administering any ordinance, resolution, regulation, rule, or policy. Nothing in this amendment shall be construed to deny or abridge the rights of any person or group of persons under the generally applicable ordinances, resolutions, regulations, rules, or policies of Glynn County, Georgia, or the laws and Constitution of the State of Georgia or of the United States. Any ordinance, resolution, regulation, rule or policy that conflicts with or is inconsistent with this provision is hereby repealed to the extent of such conflict or inconsistency. (#O-2002-07)

2-2-9 Establishing or Increasing Fees

Prior to establishing a new fee or rate or increasing any existing fee or rate charged by Glynn County to the public, a public hearing shall be had to allow public response. The hearing required herein may be held during a regularly scheduled meeting of the Glynn County Board of Commissioners and must be attended by at least a quorum of the members of the Glynn County Board of Commissioners to qualify as a hearing under this section. Notice of the public hearing shall be given by publication of a notice in the official county organ not more than twenty nor less than ten days prior to the date of the hearing. This section shall not apply to establishing or increasing ad valorem taxes as that process is controlled by state law, nor shall it apply to the decreasing or lowering of any existing fee or rate. (#O-2016-16)

PURCHASING ORDINANCE

(Ordinance of 10/3/91; Amended 6/20/96; 2/6/97; 3/20/97; 10/2/97, 03/19/98, 03/02/00, 4/06/00, 10/19/00, 12/7/00, 4/19/01, 5/3/01, 12/20/01, 05/8/03, 08/07/03, 10/16/03, 02/17/05, 09/01/05, 08/30/06, 04/05/07, 12/16/10, 01/06/11, 03/17/11, 05/17/11, 07/07/11, 05/17/12, 10/17/13, 04/17/14, 09/17/15, 01/07/16, 05/18/17, 05/03/18)

2-2-10 Policy

It is the policy of the Glynn County Board of Commissioners to purchase needed materiel (including capital items), goods and services at the lowest possible price consistent with good quality. This goal should be met through procedures that ensure fairness to all potential suppliers and encourage competition. Discretionary decisions made hereunder shall be for the protection of and in the best interest of the County.

This policy shall ensure that all persons are offered equal purchasing opportunities regardless of race, color, age, sex, religion, or national origin. All County employees and agents are to take every step necessary to ensure that there is no such prohibited discrimination in any aspect of Glynn County's purchasing function.

2-2-11 Definitions.

For the purposes of this Ordinance, the term:

- (a) "Bid" means submission of information from a vendor/provider which describes the vendor/provider's commodities or services and the cost thereof, and any other information necessary to respond to the specifications and other requirements set forth in an invitation for bids.
- (b) "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity.
- (c) "Capital Equipment" means any tangible item whose cost is equal to or exceeds \$5,000 and has an anticipated service life in excess of one (1) year.
- (d) "Capital Improvement" means the building, altering, repairing, improving, or demolishing of any public structure, infrastructure, building or other public improvements of any kind to any public real property.
- (e) "Change order" means an alteration, addition, or deduction from the original scope of work or terms/conditions as defined by the contract documents to address changes or unforeseen conditions necessary for project completion. A change order is executed by a written amendment signed and issued by the County Manager or Board of Commissioners, directing the contractor to

make changes to the contracted purchase.

- (f) “Competitive sealed bid” means a method of soliciting bids for goods, material, or services whereby the award is based upon the lowest responsive, responsible bid (Sometimes referred to as an *Invitation For Bid*).
- (g) “Competitive sealed proposal” means a method of soliciting proposals for goods, material, or services whereby the award is based upon criteria identified in the solicitation (Sometimes referred to as a Request For Proposal).
- (h) “Contract” means any agreement, purchase order, lease, or other document which creates or is intended to create binding reciprocal obligations of the parties executing such.
- (i) “Contractor” means any person or entity that is party to a contract.
- (j) “Cooperative Procurement” means the combining of purchasing quantities or amounts into a single invitation for bids through an agreement between the County and other states, municipalities, counties, public agencies, or public organizations to purchase items from the same vendor through group or joint contracts.
- (k) “County” means Glynn County, Georgia.
- (l) “County Manager” means the County Manager of Glynn County, Georgia.
- (m) “Department Director” means the supervisor for any department created by the Board of Commissioners of Glynn County, Georgia.
- (n) “Emergency” means any situation resulting in imminent danger to the public’s health, safety, or property including the loss of essential County services.
- (o) “Finance Manager” means the Manager of the Finance Department of Glynn County, Georgia. (#O-2017-03)
- (p) “Formal Bidding” means issuing a solicitation to qualified Bidders that is prepared, advertised, and distributed with the intent of receiving bids or proposals in a sealed envelope(s) to be publicly opened at a set date and time. Formal bids are required when the estimated cost of the service or material is expected to be \$25,000.00 or more. (Amended 03/17/11; O-2011-02)
- (q) “Invitation for Bids” or “IFB” means a formal bid that is issued when the

Department or Agency can clearly provide detailed specifications. Generally, the service and/or product desired is known and exact details can be provided to the Bidder to achieve the desired result(s). An IFB does not provide for negotiations unless the bids come in over the estimated budget (Sometimes referred to as Competitive Sealed Bids).

- (r) "Person" means any individual.
- (s) "Professional service" means a service consisting in material part of advice, evaluation, planning, design, or other effort involving the exercise of judgment, discretion, and knowledge, including, without limitation, a service provided by a person whose profession is licensed or regulated by the state government.
- (t) "Proposal" means submission of information from a vendor/provider (including a consultant) which states how that vendor/provider intends to fulfill the specifications and other requirements described in a request for proposals.
- (u) "Purchasing Agent" means the person designated as the Purchasing Agent for Glynn County, Georgia.
- (v) "Purchase order" means a form prepared by the Purchasing Division to place orders with Vendors based on a procurement process conducted by the Purchasing Division or its designee.
- (w) "Request for proposals" or "RFP" means a formal bid that is issued when the Department or Agency cannot clearly provide detailed specifications. Generally, the service and product desired are known but the methodology for obtaining the desired results are unknown; or, there are multiple methods of obtaining the desired result. An RFP provides for negotiation of all terms of the proposal, including price, before award (Sometimes referred to as Competitive Sealed Proposals).
- (x) "Request for qualifications" or "RFQ" means a request issued by the County to obtain a statement of qualifications from Bidders/Proposers before the final bid document is issued. A price proposal is not requested nor desired during this process.
- (y) "Request for quotation" means information and documentation disseminated either through telephone conversations or written form by the County to solicit quotations for prices for services, goods and materiel acquisition.
- (z) "Responsible bidder" or " responsible vendor" or "responsible provider" means a person or entity that has the capability in all respects to perform fully the contract requirements, and the experience, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

- (aa) “Responsive bidder” or “responsive vendor” or “responsive provider” means a person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposal.
- (bb) “Scope of work” or “SOW” means the work required by the solicitation and any subsequent contract; including change orders required or appropriate to accomplish the intent of the project.
- (cc) “Services” means the furnishing of labor, time or effort by a contractor or vendor/provider which is not intended to accomplish the delivery of a specified tangible product other than reports which are merely incidental to the required service, including, without limitation, a professional or consulting service.
- (dd) “Sole source” means that the Purchasing Agent has made a written determination that there is only one source for the required materiel, goods, or services due to special scientific technology, extraordinary specifications, or compatibility with existing equipment.
- (ee) “Specification” means, in connection with an invitation for bids or request for proposals, a list or description of the characteristics of the commodities or services, which will meet the County's requirements. It describes the dimensions of a product, e.g. the length and width of a road, or what the product is to produce, e.g. a pump that is to deliver 50 gallons an hour at a 30 psi; with respect to a service, what the service is to accomplish.
- (ff) “Vendor/Provider” means any person or entity who has submitted a bid or proposal to the County or otherwise offered to form a contract with the County.
- (gg) “Local Vendor” means a vendor that meets each of the following requirements prior to any award of a contract or purchase: (1) the vendor’s principal place of business must be within the geographical boundaries of Glynn County. For purposes of this chapter, the term “principal place of business” means a physical structure, office, or suite, but does not include a post office box, a temporary job site, or project site location; (2) the vendor must have a current occupational tax certificate from Glynn County or the City of Brunswick; and (3) the vendor must have paid all real and personal property taxes owed to Glynn County. A local vendor submitting a bid or proposal on behalf of an out-of-county vendor shall not receive a local vendor privilege. (Amended 12/16/10; O-2010-11)

2-2-12 Guidelines

- (a) The County Manager is hereby directed to establish guidelines and

procedures that implement the stated policy of the Board of Commissioners. These guidelines and procedures shall not be inconsistent with this Ordinance or State or Federal law.

- (b) The Purchasing Division of the Finance Department shall serve all of County government by obtaining required goods, materiel, and services. The Purchasing Agent shall, except as otherwise specified herein, be responsible for the administration of all transactions governed by the provisions of this Ordinance and shall serve as the principal procurement officer of the County.
- (c) All County employees will adhere to strict ethical standards when purchasing materiel. Any employee with a financial interest in a private business is prohibited from bidding on County projects. Glynn County will not purchase equipment, materiel, or supplies from businesses in which County employees have a financial interest.
- (d) The Purchasing Agent shall maintain a file of all vendors desiring to do business with Glynn County. Persons or businesses wishing to be added to the vendors list shall submit a properly completed and certified application form. The application shall be submitted and signed by the principal as distinguished from an agent. Such list will be used to identify and inform potential businesses willing to bid and contract with Glynn County. Any business not responding to an invitation for bids over a period of one (1) year will be eliminated from the vendor list, but may be reinstated upon request. However, a vendor not on said list, will not be prohibited from bidding on County projects.
- (e) Any person, corporation, or other entity in default to Glynn County for any ad valorem taxes, license fees or taxes, assessments or fees which are not the subject of an appeal to a court or other legal tribunal shall not be awarded any contract with Glynn County unless they shall first assign to Glynn County all or so much of the price of such purchase or the proceeds of such contract as will pay the existing default in full.
- (f) The Board of Commissioners may disclaim responsibility and liability for any expenditure or agreement for expenditure arising from a procurement made in its name, or in the name of any governmental body under its authority, by an unauthorized person or any person acting outside this ordinance or the authorization or delegation as provided in this Ordinance.
- (g) All contracts may be reviewed and approved as to form by the County Attorney, or his designee, prior to execution on behalf of Glynn County. A contract shall conform to state and federal law and to County ordinances and shall otherwise contain such provisions as are reasonably necessary to protect the interest of Glynn County.

2-2-13 Purchasing Policies

(a) Pre-Authorization

1. Funds must be budgeted prior to making any acquisition of material, goods, or services. Should unbudgeted capital equipment become necessary, a funding source(s) must be identified by the requesting Department/Agency and acquisition approval granted by the County Manager; up to \$25,000.00. The County Manager will provide the Board of Commissioners a monthly report of unbudgeted capital equipment approvals he granted during the preceding month. The authority to approve acquisition of unbudgeted capital equipment costing \$25,000.00 or more lies with the Board of Commissioners. Transferring of funds in, out, or within capital improvement(s) categories is not permitted without approval of the Board of Commissioners. (Amended 03/17/11; O-2011-02)
2. All material, goods, or services requiring formal bidding must be approved by the Board of Commissioners prior to bidding.
3. All acquisitions must follow County bidding procedures, and where applicable, state law.
4. The Purchasing Agent shall secure competitive bids in the forms of telephone quotes, written quotes, or sealed bids. The type of bid will be determined by the dollar amount of the purchase in accordance with the guidelines set forth in this Ordinance. Competitive bids will be taken in order to assure open and competitive bidding on County purchases. Bid specifications will be prepared in such a manner as to invite and encourage bidding from all suppliers of goods and equipment being purchased by the County.
5. Materials, supplies, and equipment purchased by the County on a regular basis will be standardized as much as possible in an effort to purchase goods and services at the best possible prices. Purchases will be made through the use of standard specifications established by the Purchasing Department whenever possible. Each standard specification will apply in terms and effect to the purchase or contract for the item or service described in the specification. However, if any item requested by a department is not on the standard list or listed as an exemption, the Purchasing Department is authorized to exempt the item if sufficient justification in writing is provided by the requesting department.

If a requisition is submitted for a brand name item or particular service, the Purchasing Division shall notify the requesting department of acceptable and approved like items or services which meet the specification requirements except as noted in section 2-2-11(dd) above.

6. All quotes will be documented as to the vendor, amount quoted,

description and specification of the product, contact person and delivery costs and date.

(b) Authorization

1. Any item, group of items, or services, excluding travel and meals, whose total cost, including fees, charges, taxes, etc. equals \$1,500.00 or less will be acquired through the use of the Purchasing Card. (#O-2017-03)
2. Any item, group of items, or service whose total cost, including fees, charges, taxes, etc., equals \$1,500.01 or more, but less than \$2,500.01, requires a request for quotation by telephone obtained by the Purchasing Agent or his/her designee. The requisition for purchase must be approved by the Division Manager, or Department Director. A purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required. (#O-2017-03)
3. Any item, group of items, or service whose total cost, including fees, charges, taxes, etc., equals more than \$2,500.00 but less than \$5,000.01 requires a written request for quotation obtained by the Purchasing Agent or his/her designee from the Vendor/Provider. Any professional service whose total cost including fees, charges, etc. equals more than \$2500.00 but less than \$5000.01 requires a request for quotation by telephone from the Vendor/Provider obtained by the Purchasing Agent or his/her designee. The requisition for purchase must be approved by the Division Manager or Department Director. A purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required.
4. Any item, group of items, or service whose total cost, including fees, charges, taxes, etc., equals more than \$5,000.00 but less than \$20,000.01 shall require a written request for quotation obtained by the Purchasing Agent or his/her designee from the Vendor/Provider with the award made by the Purchasing Agent. The requisition for purchase must be approved by the Department Director. A purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required.
5. Any item, group of items, or service whose total cost, including fees, charges, taxes, etc., is anticipated to exceed \$20,000.00 but less than \$25,000.00 shall require a written request for quotation obtained by the Purchasing Agent or his/her designee from the Vendor/Provider with the award of the bid made by the County Manager. The requisition for purchase must be approved by the Department Director. A purchase order, signed by the Purchasing Agent on

behalf of the Board of Commissioners is required. (Amended 03/17/11; O-2011-02)

6. Any item, group of items, or service whose total cost, including fees, charges, taxes, etc., is anticipated to be \$25,000.00 or more shall require formal bidding by the Purchasing Agent and award made by the Board of Commissioners. The requisition for purchase must be approved by the Department Director. A purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required. (Amended 03/17/11; O-2011-02)

(c) Exceptions

All acquisitions shall follow the process outlined in Section 2-2-13(b) with the following exceptions:

1. Services that are of an expected and continuing nature, including but not limited to, (utility bills, travel, seminar and conference fees, membership dues, subscription costs, maintenance agreements) and payments made under the terms of a previously approved contract are exempt from the purchasing process and purchase order requirements.
2. The County Manager shall have the authority to exempt the procurement of professional services whose total cost is anticipated to be less than \$25,000.00 from the acquisition procedures and limits set forth in Section 2-2-13(b). Professional services whose total cost is anticipated to be \$25,000.00 or more shall follow the acquisition procedures and limits set forth in Section 2-2-13(b) or the request for proposal procedure set forth in Section 2-2-14(b)(2). At the discretion of the Board of Commissioners, the procurement of such services or policies may be exempted from all bidding requirements with the approval of five (5) or more members of the Board of Commissioners. The bidding requirements of this Section shall not apply to the procurement of professional services as a result of an emergency need, which may or may not include a declaration of a state of emergency, as certified by the County Manager. The hiring or retaining of legal counsel shall be approved by the County Attorney and shall be exempt from all acquisition procedures and limits of Section 2-2-13(b). (Amended 03/17/11; O-2011-02; 07/07/11; O-2011-09)
 - a. A request for qualifications document will be sent to firms interested in providing professional services to the County. Respondents will be requested to indicate their interest in the project; specific, relevant, and comparable experience; and, their ability to perform the services requested.

The request will be advertised in order that any firm interested

in submitting a proposal will have adequate time to do so.

- b. It is the policy of this County to award contracts for professional services on the basis of demonstrated competence and qualifications at a fair and reasonable price with the ultimate selection based on the best interest of the County and receipt of maximum value.
 - c. The selection process for professional services shall follow the authorization limits under 2-2-13(b) or the request for proposal procedure set forth in Section 2-2-14(b)(2) unless specifically exempted by the Board of Commissioners or unless exempted pursuant to Section 2-2-13(c)(2) above. When the selection process for professional services is handled in any way other than through the request for proposals or other than through the procedures described in Section 2-2-13(c)(2), it shall be governed by procedures as determined by the Board of Commissioners. Such procedures shall permit as much competition as possible consistent with obtaining qualified persons and/or firms to perform necessary professional services. The selection process may vary from type to type of professional service or according to the purpose of an individual contract.
 - d. For professional services selected through the normal process, using a request for proposal and being handled through the Purchasing Office, the user departments or agencies, along with the Purchasing Agent, will have primary responsibility for the service requirements and evaluation of the proposals, while the Purchasing Office will ensure that the process is handled properly and that appropriate documentation is maintained. Generally, the qualifications of the vendors are the determining factor in the award. Accordingly, contract negotiation is permitted and encouraged. (Amended April 5, 2007; #O-2007-05)
3. Budgeted materiel and goods purchases (i.e., vending machine goods, goods for resale, gasoline, diesel fuel, mosquito control chemicals, janitorial supplies, office supplies, etc.) whose unit price has been bid, as certified by the Purchasing Agent, shall be exempt from further bidding for the life of the bid. This period cannot exceed twelve (12) consecutive months without formal approval by the Board of Commissioners. A purchase order, signed by the Purchasing Agent on behalf of the Commission, is required.
 4. Budgeted materiel, goods, or services from a sole source vendor, as certified by the Purchasing Agent, are exempt from the bidding process only. A requisition for purchase along with a memorandum

documenting the reasons (i.e., special scientific technology, extraordinary specifications, and compatibility with existing equipment, etc.) for the sole source determination and a purchase order, signed by the Purchasing Agent on behalf on the Board of Commissioners, is required.

5. Budgeted vehicle or equipment parts or maintenance/repair vendor services up to \$20,000.00 shall follow the requirements of Section 2-2-13(b)(3). For heavy equipment repairs, only those vendors certified as factory authorized dealers will be allowed to submit a bid for the repairs contemplated. This exception permits award to be made by the Public Works Director or Fire Chief, as appropriate. A requisition for purchase and a purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required.
 - a. The Purchasing Agent in considering bids for capital heavy equipment may consider, in addition to the bid price, the guaranteed delivery, maintenance and operating costs as well as the guaranteed resale or buy back price of equipment at established time intervals when purchasing equipment.
6. An emergency need outside of normal business hours requiring the immediate purchase of materiel, goods, or services, in an amount not to exceed \$5,000.00, can be approved by the Department Director for the protection of the best interests of the County. The Utilities Director may approve up to \$50,000.00 for emergency repairs to the water and sewer systems for the protection of the best interest of the County with an immediate written report to the Board of Commissioners. The acquisition shall be reported to the County Manager and the Purchasing Agent the next business day. A requisition for purchase subsequent to the emergency purchase shall require a purchase order signed by the Purchasing Agent on behalf of Board of Commissioners.
7. In the event of a declared state of emergency, the Board of Commissioners or the County Manager may suspend all or part of this Purchasing Ordinance, or any policies and procedures promulgated thereunder.
8. Water and sanitary sewer projects pursuant to Sections 2-16-75 (g) and (h) of the Glynn County Code of Ordinances.
9. Whenever any services, supplies, materials, or equipment which meet all county requirements are available through a contract with the State of Georgia, the Federal Government, or other local government cooperative programs; i.e., the National Association of Counties, the Government Purchasing Alliance, etc., the Purchasing Agent is

authorized to purchase the services, supplies, materials or equipment from these contracts when such actions are lower in price than competitive bidding could provide or advantageous to operational efficiency. A requisition for purchase and a purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required. (As amended 05/17/12)

10. Purchases directly from the Georgia Department of Administrative Services, Georgia Surplus Property Agency and Georgia Correctional Industries storage warehouses may be made by Department Directors. If purchases are requested by Department Directors from any other agency or department that maintains a warehouse for supplies, materials, or equipment, the Department Director shall contact the Purchasing Agent who will verify that the supplies, materials, or equipment to be purchased have been competitively acquired. Said verification must be completed prior to purchasing such supplies, materials, or equipment. A requisition for purchase and a purchase order, signed by the Purchasing Agent on behalf of the Board of Commissioners, is required for all purchases made pursuant to this subsection.
11. The budgeted purchase of parts, materials, or services for the repair of county facilities and heavy equipment and the budgeted purchase of fuel and employee gift cards, any of which are anticipated to be at least \$25,000, but less than \$50,000, may follow the requirements of section 2-2-13(b)(5) in lieu of formal bidding; provided however, in order for the purchase of parts, materials, or services for repairs to be exempt from formal bidding under this paragraph, the repair should be of an unanticipated nature and limited to circumstances where the failure to make such repair in a prompt manner would be detrimental to public safety, public property, or to the county's operations and ability to provide basic services, as certified by the Purchasing Agent and either the Public Works Director or Facilities Supervisor. (Amended May 19, 2011; #0-2011-08)
12. The Board of Commissioners shall have the authority and discretion to exempt the procurement of pre-owned heavy equipment for use by the Public Works Department from the acquisition procedures and bidding requirements set forth in Section 2-2-13(b). A request to exempt the procurement of pre-owned heavy equipment may be initiated by a request from the Public Works Director to the County Manager. The request shall include an opinion from the Public Works Fleet Manager concerning the condition of the equipment and whether it is advisable to purchase pre-owned equipment rather than new. If the County Manager concurs with the request, it shall be placed before the Board of Commissioners for consideration. For purposes of this provision, the term "heavy equipment" shall mean bulldozers, tractors, backhoes, and other similar heavy construction

equipment and shall not include automobiles or light trucks (i.e. pick-up trucks). The Board of Commissioners shall also have the authority and discretion to exempt the procurement of pre-owned buildings for use by any department from the acquisition procedures and bidding requirements set forth in Section 2-2-13(b). For purposes of this provision, the term "building" shall mean industrialized buildings, modular buildings, or any other type of manufactured building. These provisions shall not apply where prohibited by state or federal law. (Amended October 17, 2013; #O-2013-08)

13. The Board of Commissioners shall have the authority and discretion to exempt the procurement and/or acquisition of Information Technology Resources from the acquisition procedures and bidding requirements set forth in Section 2-2-13(b). For purposes of this section, Information Technology Resources means licensed, copyrighted, or patented computer hardware, software, or services; new computer equipment, products, peripherals, services, and software where compatibility with existing equipment or products is desirable or necessary; proprietary or custom built software or information systems; technology services, consulting, and maintenance contracts; web-based software and software as service (SaaS), platform as a service (PaaS), and infrastructure as a service (IaaS) applications or solutions. (#O-2018-02; 05/03/18)

2-2-14

Formal Bidding Procedure (Amended 09/01/05; 12/16/10; 1/06/11, 03/17/11)

(a) Public Works Construction Prequalification Process

Potential bidders or offerors shall be required to be prequalified before being permitted to submit a bid or proposal on public works construction projects that are anticipated to cost two hundred thousand dollars (\$200,000) and over. When it is determined to be in the best interest of Glynn County by the Purchasing Agent, potential bidders or offerors may be required to be prequalified before being permitted to submit a bid or proposal on public works construction projects that are anticipated to cost under two hundred thousand dollars (\$200,000). Potential bidders or offerors shall not be required to be prequalified before being permitted to submit a bid or proposal on demolition or asbestos removal projects.

When prequalification for a project is required, a potential bidder or offeror that is currently prequalified by the Georgia Department of Transportation shall be deemed prequalified for horizontal projects upon the presentation of a prequalification packet that includes a copy of a valid and current Certificate of Qualification issued by the Georgia Department of Transportation. Horizontal projects are those projects for which road, drainage, or bridge work is anticipated by the Purchasing Agent to account for eighty percent (80%) or more of the

total project work. Prequalification by the Georgia Department of Transportation may be used for any projects in which the conditions of federal or state project funding specify the necessity of such bid prequalification.

If the potential bidder or offeror does not possess a valid and current Certificate of Qualification issued by the Georgia Department of Transportation or if the potential bidder or offeror desires to become prequalified for projects other than horizontal projects, the potential bidder or offeror must become prequalified before being permitted to submit a bid or proposal on all projects not considered horizontal projects by possessing certain minimum criteria, as set forth in the pre-qualification criteria, questionnaire, and as established by the Purchasing Agent, that are reasonably related to the specific project or the quality of work of a potential bidder or offeror. For example, potential bidders or offerors that are required to become prequalified by possessing the minimum criteria before being permitted to submit a bid or proposal may be required to:

1. be properly licensed;
2. provide references on past projects;
3. provide references to show a history of compliance with applicable laws, regulations, and ordinances relating to performance of past projects;
4. provide evidence that they have the ability to obtain any necessary permits;
5. provide assurance that the firm has stable financial and human resources and capabilities to successfully perform the project within the time specified, within budget, and without delay or interference;
6. show that the potential bidder or offeror has the necessary character, integrity, reputation, and judgment;
7. have an appropriate amount of experience on similar projects; and
8. provide any other criteria that are reasonably related to the specific project.

A statement that only prequalified bidders or offerors will be permitted to submit bids or proposals on a particular project shall be included in

all advertisements for a project where prequalification is required. If a particular project is determined to be a horizontal project, all advertisements shall state such determination. Similarly, a copy of this policy, the specific prequalification criteria for a particular project, and the deadline for submission of the prequalification packet shall be posted on the Glynn County Internet Website and included in all requests for proposals or invitations to bid. Copies shall also be in the Purchasing Agent's office. This policy, any criteria specific to the project, and the prequalification questionnaire shall be made available to any prospective bidder or offeror or any other member of the public requesting such information.

A prequalification application packet, which shall consist of a completed prequalification questionnaire and any necessary attachments, must be received by the Purchasing Agent prior to the established deadline. All prequalification questionnaires must be typewritten or handwritten in ink. Bonding and bank information shall be considered confidential and will not be subject to disclosure pursuant to the Open Records Act. The Purchasing Agent shall evaluate timely submitted prequalification application packets using the established prequalification criteria. A contractor discovered providing false material information in an application for prequalification or during any consideration for prequalification shall be disqualified from submitting a bid or proposal on any Glynn County project for a period of five (5) years.

Potential bidders or offerors submitting prequalification packets shall be notified whether they are prequalified or disqualified. The decision of the Purchasing Agent shall be final. Only prequalified bidders or offerors may submit bids or proposals. Disqualified bidders or offerors may respond to their disqualification by a letter to the Purchasing Agent within ten (10) days of notice of disqualification. The opportunity for a disqualified potential bidder or offeror to provide a letter is for name-clearing purposes only; it shall not be construed as a right to appeal, to be reinstated, or to protest the process or the award of the project. The Purchasing Agent shall include a copy of the letter in the contract file and provide copies to any party requesting such information.

When a potential bidder or offeror is prequalified, that bidder or offeror shall be prequalified to submit bids or proposals for a period of three (3) years from the date of prequalification.

Potential bidders or offerors who desire to become prequalified for a project and have previously been prequalified for another project may inform the Purchasing Agent in writing prior to the established deadline that they would like to apply to become prequalified for the

current project using their previously submitted prequalification application packet. However, a prequalification application packet may only be used for prequalification consideration for a period of three (3) years from the date of initial prequalification. (O#2005-14)

(b) Formal Bidding Methods (Amended 03/17/1104/17/14)

All acquisitions requiring Formal Bidding are subject to the following bidding procedures. The Purchasing Agent will determine which method to use based on the requesting Department's ability to quantitatively and qualitatively describe its requirements.

1. **Invitation to Bid (IFB).** In most cases, the invitation to bid is the preferred method of source selection and should be used whenever possible as it allows qualified, responsive vendors to compete on the basis of price. The selection decision would therefore be determined by the responsible and responsive vendor offering the lowest bid price. Generally, the following conditions must be met:

- a. Clear and adequate specifications are available.
- b. The item, material, or service does not qualify as a sole source purchase.
- c. The anticipated cost of goods, materials, supplies, equipment or project is \$25,000.00 or greater.

i. **Notice of Bidding**

Notice inviting sealed bids shall be posted conspicuously in the Purchasing Agent's office and shall be advertised in the legal organ of the County or by electronic means on the County's Web site. Contract opportunities that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior to the opening of the sealed bids. The second advertisement shall follow no earlier than two weeks from the first advertisement. Contract opportunities that are advertised solely on the County's website shall be posted continuously for at least four weeks prior to the opening of the sealed bids. Plans and specifications shall be available on the first day of the advertisement and shall be open to inspection by the public. Notwithstanding anything to the contrary herein, contract opportunities for any insurance policy or insurance service requiring formal bidding shall be advertised: (1) in the legal organ a minimum of two times, with the first advertisement

occurring at least six weeks prior to the opening of the sealed bids and the second advertisement following no earlier than two weeks from the first advertisement; or (2) by posting the contract opportunity on the County's website continuously for at least six weeks prior to the opening of the sealed bids. Any other methods of advertisement identified as likely to result in optimal competition may be used in addition to the required advertisement, at the discretion of the Purchasing Agent.

ii. **Pre-bid Conference**

A pre-bid conference may be convened between the date of advertisement and the actual bid opening date. The purpose of the conference being to clarify advertised specifications for prospective responsive vendors.

iii. **Receipt of Bids**

No bid shall be eligible for consideration by the County unless it is placed in a sealed envelope or package and actually received by the Purchasing Agent by the date and time specified in the invitation for bids. The Purchasing Agent shall cause all bids to be stamped with the date and time of receipt and secured until the designated opening time. A bid delivered late shall under no circumstances be eligible for consideration by the County and such bid shall be returned unopened to the vendor.

iv. **Bid Opening**

Bids shall be opened publicly in the presence of one or more witnesses on the date and at the time and place designated in the invitation for bids. The name of each vendor, the purchase price contained in each bid, and such other information as the Purchasing Agent deems appropriate shall be announced as the bids are opened. A record of bid information shall be recorded and available for public inspection.

v. **Modification of Bids**

Any clerical mistake which is patently obvious on the face of a bid may, subject to the limitations described below, be corrected upon written request and verification submitted by the vendor. A nonmaterial omission in a bid may be corrected if the Purchasing Agent determines the correction

to be in the County's best interests. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after bid opening:

1. Unit price information.
2. Total price information when unit prices are not required.
3. Any required insurance.

vi. **Withdrawal of Bids**

Bids may be withdrawn at any time prior to the bid opening.

With the concurrence of the Purchasing Agent, vendors may be allowed to withdraw bids containing mistakes not discovered until after the bid opening. After bids have been publicly opened, withdrawal of bid shall be based upon the following: The vendor shall give notice in writing of his claim of right to withdraw his bid due to an error within two business days after the conclusion of the bid opening procedure. Bids may be withdrawn from consideration if the price was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. The vendor's original work papers shall be the sole acceptable evidence of error and mistake if he elects to withdraw his bid. In all other cases, bids will be accepted unconditionally without alteration or correction.

When bids are accepted where unit prices are shown, the County may correct obvious extensions and footing errors after advising the vendor in writing. If a bid is withdrawn under the authority of this provision, the lowest remaining responsible, responsive bid shall be deemed to be the low bid.

vii. **Bid Evaluation**

Bids shall be evaluated based on the requirements set forth in the invitation to bid. No criteria may be used in bid evaluation that are not specifically set forth in the solicitation.

viii. **Bid Cancellation**

An invitation for bids may be canceled prior to opening date or any or all bids may be rejected in whole or in part as may be specified in the solicitation, where it is in the best interest of Glynn County in accordance with regulations promulgated by the purchasing office or, as a result of improper conduct on the part of a county employee. The reasons for any cancellation shall be made part of the bid file.

ix. **Bid Award**

1. **Responsive and Responsible Vendor(s).**

A contract shall be awarded, if awarded, to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

2. **Approval of Bids.** All bid awards for amounts of \$25,000.00 or greater shall be approved by the Board of Commissioners.

3. **Rejection of Bids.** The County reserves the right to reject any or all bids if it determines such rejection to be in the best interest of the County in accordance with Section 2-2-16 of this Ordinance.

4. **Disqualification of Bids.** The following types of bids shall be disqualified for consideration for a bid award:

- a. A bid which is incomplete in any material aspect.
- b. A bid submitted without required bonds or insurance.

The Board of Commissioners Shall have the authority and discretion to consider an incomplete bid or a bid submitted without the required bonds or insurance when only one responsive bid is received and the bidder cures the deficiency within ten (10) business days of the bid opening.

This authority and discretion shall not extend to projects subject to the competitive bidding requirements of the "Georgia Local Government Public Works Construction

Law”, O.C.G.A. § 36-91-1 et seq., the bidding requirements for road construction contracts in Chapter 4, Title 32, of the Official Code of Georgia, or where prohibited by state or federal law. (O-2014-01)

5. **Tie bids.** In the event two or more responsible and responsive bids are tied for the lowest price and the other terms and conditions of the tied bids are substantially the same, the bid shall be awarded to the local vendor if only one of the vendors has its principal place of business in the County. If all or none of the tied vendors have its principal place of business in the county, then the bid award shall be made to the winner of a coin toss by the Purchasing Agent in a public session where vendors and one or more witness may be present.
6. **Local Vendor.** There is established in Glynn County a local vendor privilege. The Board of Commissioners believes that bids awarded to local vendors contribute to the local tax base and benefit the economy of Glynn County and will therefore be given special consideration when bidding.
 - a. A local vendor shall be afforded the opportunity to match the bid amount of the lowest responsive and responsible bid if: (1) the lowest responsive and responsible bidder is not a local vendor; (2) the local vendor is the second lowest responsive and responsible bidder; and, (3) the local vendor’s bid is within two percent (2%) or \$10,000.00, whichever is less, or within \$500.00 of the lowest bid. If the local vendor agrees to match the amount of the low bid received from the out-of-county vendor within the time specified by the County, the bid shall be awarded to the local vendor. If the local vendor does not agree to match the low bid received from the out-of-county vendor within the time specified by the County, the bid shall be awarded to the out-of-county vendor.
 - b. In the event that more than one local vendor meets the criteria in subsection (a), the opportunity to match the low bid shall be afforded to the winner of a coin toss by the Purchasing Agent in a public session where

vendors and one or more witness may be present.

- c. This local vendor privilege shall not apply to any bid or contract that is subject to the competitive bidding requirements of the “Georgia Local Government Public Works Construction Law”, O.C.G.A. § 36-91-1 et seq., the bidding requirements for road construction contracts in Chapter 4, Title 32, of the Official Code of Georgia, or where prohibited by state or federal law.

2. **Request for proposal (RFP).** When use of the invitation to bid is either not practicable or not advantageous to the County, a contract may be entered into by use of a sealed request for proposal. Generally, the qualifications of the vendors are the determining factor in the award. Accordingly, contract negotiation is permitted and encouraged. Use of the proposal is dependent upon such factors as:

- The scope of work for the contract cannot be accurately and completely defined.
- The service or product can be provided in several different ways, any of which could be acceptable.
- Contractor qualifications and the quality of the service to be delivered can be considered more important than the contract price.
- The expected responses may contain a different level of services than that requested, requiring negotiation to reduce or increase prices to relative to the available budget.

a. **Dissemination of Proposals**

Solicitations shall be disseminated through a request for proposal. Notice inviting sealed proposals shall be posted conspicuously in the Purchasing Agent’s office and shall be advertised in the legal organ of the county or by electronic means on the County’s Web site. Contract opportunities that are advertised in the legal organ shall be advertised a minimum of two times, with the first advertisement occurring at least four weeks prior to the opening of the sealed proposals. The second advertisement shall follow no earlier than two weeks from the first advertisement. Contract opportunities that

are advertised solely on the County's website shall be posted continuously for at least four weeks prior to the opening of the sealed proposals. Plans and specifications shall be available on the first day of the advertisement and shall be open to inspection by the public. Notwithstanding anything to the contrary herein, contract opportunities for any insurance policy or insurance service requiring formal bidding shall be advertised: (1) in the legal organ a minimum of two times, with the first advertisement occurring at least six weeks prior to the opening of the sealed proposal and the second advertisement following no earlier than two weeks from the first advertisement; or (2) by posting the contract opportunity on the County's website continuously for at least six weeks prior to the opening of the sealed proposals. Any other methods of advertisement identified as likely to result in optimal competition may be used in addition to the required advertisement, at the discretion of the Purchasing Agent.

b. Receipt of Proposals

No proposal shall be eligible for consideration by the County unless it is placed in a sealed envelope or package and actually received by the Purchasing Agent by the date and time specified in the request for proposals. The Purchasing Agent shall cause all proposals to be stamped with the date and time of receipt and secured until the designated opening time. A proposal delivered late shall under no circumstances be eligible for consideration by the County and shall be returned unopened to the bidder.

c. Proposal Opening

Proposals shall be opened publicly in the presence of one or more witnesses on the date and at the time and place designated in the request for proposals. The name of each Proposer shall be announced but no other information shall be disclosed nor shall the proposals be considered public records until proposal is awarded.

d. Proposal Cancellation

A request for proposals may be canceled prior to opening date or any or all proposals may be rejected in whole or in part as may be specified in the solicitation, where it is in the best interest of the County in accordance with regulations promulgated by the purchasing office or, as a result of improper conduct on the part of a County employee. The

reasons for any cancellation shall be made part of the proposal file.

e. **Proprietary Information**

Information submitted by a Proposer which is specifically marked "proprietary" shall not be disclosed outside of the purchasing division without the prior written consent of the vendor or a determination by the Purchasing Agent or a court that the information sought is not of a privileged or proprietary nature.

f. **Evaluation of Proposals**

i. **Initial Evaluation.** Each proposal shall be evaluated to determine whether it is responsible and responsive to the specifications and other terms and conditions contained in the request for proposals. The evaluation criteria contained in the solicitation must be adhered to. In evaluating the proposals, the evaluating team may request supplemental information to clarify and amplify each vendor's proposal. No information concerning any other vendor's proposal shall be communicated in any way to the vendor.

ii. **Negotiation** As set forth in the solicitation, vendors submitting proposals may be afforded an opportunity for discussion, negotiation, and revision of proposals. Discussions, negotiations, and revisions may be permitted after submission of proposals and prior to award for the purpose of obtaining best and final offers. In accordance with the solicitation, all responsible vendors found to have submitted proposals reasonably susceptible of being selected for award shall be given an opportunity to participate in such discussions, negotiations, and revisions. During the process of discussion, negotiation, and revisions, the evaluating team shall not disclose the contents of proposals to competing vendors.

iii. **Local Vendor.** There is established in Glynn County a local vendor privilege. The Board of Commissioners believes that proposals awarded to local vendors contribute to the local tax base and benefit the economy of Glynn County and will therefore be given special consideration when making a proposal. Local preference shall be included in a request for proposals as an evaluation criterion to be considered by the evaluating team. Two percent (2%) of the total points available to each proposer shall be awarded

on the basis of whether the proposal was submitted by a local vendor. Local vendors shall be entitled to and shall receive the local preference points provided for in this subsection. This local vendor privilege shall not apply where prohibited by state or federal law.

g. Award of Proposal

- i. Award shall be made to the responsible and responsive vendor whose proposal is determined in writing to be the best value to the County, taking into consideration the evaluation factors set forth in the solicitation. The evaluation factors shall be the basis on which the award decision is made. The contract file shall indicate the basis on which the award is made.
- ii. Approval of Proposals. All proposals where cost is \$25,000.00 or more shall be approved by the Board of Commissioners.
- iii. Rejection of Proposals. The County reserves the right to reject any or all proposals if it determines such rejection to be in the best interest of the County in accordance with Section 2-2-16 of this Ordinance.
- iv. Disqualification of Proposals. The following types of proposals shall be disqualified for consideration for award:
 - A proposal submitted without the required bid bond.

The Board of Commissioners shall have the authority and discretion to consider a proposal submitted without the required bid bond when only one responsive proposal is received and the vendor cures the deficiency by submitting a bid bond within ten (10) business days of the proposal opening.

This authority and discretion shall not extend to projects subject to the competitive bidding requirements of the "Georgia Local Government Public Works Construction Law", O.C.G.A. § 36-91-1 et seq., the bidding requirements for road construction contracts in Chapter 4, Title 32, of the Official Code of Georgia, or where prohibited by state or federal law. (#O-2014-01)

2-2-15

Cooperative Procurement

(Amended 8/30/06; O-2006-14)

(a) General

In lieu of section 2-2-13 (b), the Purchasing Agent is authorized to participate in, sponsor, conduct or administer cooperative procurement with one or more states, municipalities, counties, public agencies, or public organizations to purchase items and services from the same vendor in order to combine requirements, increase efficiency or reduce administrative expenses.

(b) Cooperative Procurement Techniques

1. The Purchasing Agent may contact other states, municipalities, counties, public agencies, or public organizations to purchase items or services from the same vendor through group or joint contracts. The procurement is accomplished by combining the purchasing quantities or amounts into a single invitation for bids for all parties to the cooperative procurement agreement. One participant shall serve as the Lead Purchaser who shall be the participant with the greater quantity or amount for purchase. The Lead Purchaser shall perform the administrative details of preparing and issuing bid documents, analyzing and awarding bids and issuing a final contract to the successful bidder. Bids shall be awarded to the responsible bidder(s) who has submitted the lowest cost responsive bid(s). The Purchasing Agent shall purchase the supplies, materials, equipment or services directly from the successful bidder(s). If Glynn County is the Lead Purchaser, all parties in the cooperative procurement shall purchase the supplies, materials, equipment or services directly from the successful bidder(s).
 - a. If a Department Director is aware of a state, county, municipality, public agency, or public organization that is planning to seek bids for supplies, materials, equipment or services which his/her department has a budgeted need, the Department Director shall contact the Purchasing Agent of his\her desire to purchase through the cooperative procurement procedure. The Department Director shall provide documentation to the Purchasing Agent that will assist in arranging for a joint bid with the other jurisdiction(s). The following information shall be provided:

- i. Detailed specifications for the item(s) or services to be purchased;
- ii. The amount or quantity to be purchased;
- iii. Program and Object codes for the budgeted item or services; and
- iv. The requested date of the delivery of the purchase.

The Purchasing Agent will then contact the other participants requesting permission for Glynn County to enter into a cooperative procurement agreement. The Purchasing Agent is authorized to enter into this agreement to purchase the supplies, materials, equipment or services from these contracts.

- b. Agreements entered into by the authority granted under this section shall in no way create or authorize any partnership or joint agency between the parties to these agreements. All liability and damages arising from the prosecution of such agreements shall be the sole responsibility of each party, and each party shall be severally and not jointly liable under the agreement.
2.
 - a. If the Purchasing Agent determines that another state, municipality, county, public agency, or public organization has competitively entered into a contract for the purchase of supplies, materials, equipment or services, then the Purchasing Agent is authorized to purchase from these contracts when such actions are lower in price or likely to be lower in price than Glynn County's sole competitive bidding could provide or is advantageous to the operational efficiency of Glynn County. In order to purchase from such contracts, the vendor shall agree to substantially the same terms and conditions as were offered to the contracting jurisdiction.
 - b. If a Department Director determines that a contract for the sale of supplies, materials, equipment or services has been entered into by another state, municipality, county, public agency, or public organization that may be cost-saving or operationally efficient to the County, the Department Director shall submit a Purchase Requisition for the goods or services required. The

requisition must be accompanied with a memorandum to the Purchasing Agent detailing the specifics of the contract. Said memorandum shall be accompanied by:

- i. A copy of the agreement's contract period;
- ii. A copy of the agreement's fee schedule;
- iii. A copy of the bid tabulation sheet(s);
- iv. The name, phone and fax numbers, and e-mail address of the Purchasing Agent involved in the procurement of the contract; and
- v. The name, phone and fax number, and e-mail address, of the successful vendor awarded the contract.

The Purchasing Agent shall use this information to ensure the requirements of this subsection have been met. The Purchasing Agent will then contact the vendor to allow the County to purchase from the vendor by substantially the same terms and conditions as were offered to the contracting jurisdiction. Prior to the purchase, a purchase order will be issued to such vendor for the purchase of the supplies, materials, equipment or services.

c. Prohibited Cooperative Procurement Activities

1. All unit price agreements or contracts based on a cooperative procurement shall be the primary and sole source for purchasing by the departments or employees of Glynn County. No new or separate orders or contracts for materials, supplies, equipment or services which are subject to a cooperative procurement agreement shall be issued or sought prior to the completion or termination of the cooperative agreement(s).
2. County employees shall be prohibited from procuring cooperative agreements by bargaining or negotiating a contract with a vendor not a party to the cooperative agreements through the use of contracts or information contained thereof from a county, or other party to such contract.

2-2-16 Authority to Reject Bids (Amended 03/17/11)

The County Manager is hereby given the authority by the Board of Commissioners to reject all bids for less than \$25,000.00 when, in his opinion, such action is in the County's best interest. The County Manager may further direct that the material, goods, or services be re-bid should he find such action to be in the County's best interest. The authority to reject all bids for \$25,000.00 or more lies in the Board of Commissioners.

2-2-17 Protest Procedures

All protests of the award or rejection of a purchase must be filed in writing with the Purchasing Agent within ten (10) days after the award of the bid. The protest must describe in detail all alleged deficiencies. Any violations of law not specifically set forth in the protest are deemed waived.

The validity of the protest shall be determined by the County Manager and the review shall be limited to any alleged violation of State law or local ordinance. The guidelines and procedures promulgated pursuant to Section 2-2-12 of the Code of Ordinances, Glynn County, Georgia, are guidelines for staff action only. The violation of them shall not be a cause to overturn any purchase decision including a decision to reject all bids.

2-2-18 Change Order Procedures (Amended 03/17/11, 09/17/15)

- (a) The County Manager is authorized to increase the original amount of a purchase order or contract agreement by an aggregate amount of not more than twenty percent (20%) of the original purchase order or contract agreement amount or \$24,999.99, whichever is less, in order to address changes or unforeseen conditions necessary for project completion. The authority of the County Manager to increase the original amount of a purchase order or contract agreement under this section is subject to:
 - (1) There being adequate funding within the program to pay for the increase; and
 - (2) There being a written recommendation from the County's authorized representative, where specified in the contract; and
 - (3) The unit price costs not changing from the original purchase order or contract price.
- (b) At its discretion, the Board of Commissioners may provide the County Manager with advance authority on a specific project to increase the original amount of a purchase order or contract agreement by an aggregate amount not to exceed \$100,000 to address changes or unforeseen conditions necessary for project completion. If approved by the Board of

Commissioners, the authority of the County Manager to increase the original amount of a purchase order or contract agreement for a specific project under this subsection is subject to:

- (1) There being adequate funding within the program to pay for the increase; and
- (2) There being a written recommendation from the County's authorized representative, where specified in the contract; and
- (3) The unit price costs not changing from the original purchase order or contract price.

All change orders that do not meet the requirements of this Section 2-2-18 shall require the approval of the Board of Commissioners.

2-2-19 Contract Authorization Procedure (Amended 03/17/11, 09/17/15)

- (a) The Chairman of the Board of Commissioners is authorized to sign all agreements/amendments/change orders that are:
 1. Approved for action by the Board of Commissioners at its meeting;
 2. Are anticipated to be beyond one fiscal year;
 3. Involves any grants or loan commitment; or
 4. Involves a budgeted material, good, or service estimated to cost \$25,000.00 or more in the fiscal year.
- (b) The County Manager is authorized to sign all agreements/amendments/change orders that are for budgeted material, goods, or services in the fiscal year in an amount less than \$25,000.00. The County Manager is also authorized to sign all change orders authorized under Section 2-2-18(b).
- (c) The Purchasing Agent is authorized to sign all agreement/amendments/change orders that are for budgeted material, goods, or services in the fiscal year in an amount between \$5,000.00 and \$20,000.00

The Department Director or Appointed Official is authorized to sign all agreement/amendments/change orders that are for budgeted material, goods, or services in the fiscal year with an estimated cost up to \$5,000.00.

2-2-20 Performance and Payment Bonds

Payment and performance bonds shall be required for any construction contract which is expected to cost Thirty Thousand Dollars (\$30,000) or more, and every bid or proposal submitted for a construction project shall, when the bid or proposal is Thirty Thousand Dollars (\$30,000) or more, include a promise to provide a payment and performance bond and the cost thereof in the bid or proposal price. (#O-2003-08)

2-2-21 Purchasing Cards and Credit Cards for Glynn County Elected Officials. (01/07/06)

- (a) **Intent and Scope.** This ordinance is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of County issued government purchasing cards and credit cards.

- (b) **Definitions.** As used in this Section 2-2-21, the term:
 - (1) “Authorized Elected Official” means the following designated elected officials of Glynn County authorized by the Glynn County Board of Commissioners to use and be issued a County Purchasing Card or County Credit Card: 1) Clerk of State Court; 2) Clerk of Superior Court; 3) Coroner; 4) County Commissioner; 5) County Surveyor; 6) Magistrate Judge; 7) Probate Judge; 8) Sheriff; 9) State Court Solicitor; 10) Tax Commissioner; 11) State Court Judge; and 12) Superior Court Judges - Brunswick Judicial Circuit.

 - (2) “Card Administrator” means the County Purchasing Card and County Credit Card administrator designated by the Glynn County Board of Commissioners. The designated Card Administrator shall be the Glynn County Director of Administrative Services and CFO.

 - (3) “Cardholder” means an Authorized Elected Official who is issued a County Purchasing Card and/or County Credit Card by the County for the purchase of items or services directly related to the Authorized Elected Official’s public duties.

 - (4) “County” means Glynn County and/or the Glynn County Board of Commissioners.

 - (5) “County Purchasing Card,” “County P-Card”, or “County Credit Card” means a Financial Transaction Card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, to the County.

 - (6) “Financial Transaction Card” means an instrument or device as the term is defined in O.C.G.A. § 16-9-30(5).

(7) “County Purchasing Ordinance” means Sections 2-2-10 through 2-2-21 of the Code of Ordinances, Glynn County, Georgia.

(8) “User Agreement” means the required agreement that an Authorized Elected Official signs and accepts with the County issuing the County Purchasing Card or County Credit Card that restricts the use of such cards.

(c) **Designated Elected Officials.** The Glynn County Board of Commissioners authorizes the issuance of a County Purchasing Card and/or County Credit Card to those Authorized Elected Officials, as designated and defined in Section 2-2-21(a), to purchase items or services directly related to such elected official’s public duties. No elected official of Glynn County may use or be issued a County Purchasing Card or County Credit Card until and unless such official has been designated as an Authorized Elected Official by the County and has signed and accepted the County’s User Agreement regarding the use of such cards. All purchases by an Authorized Elected Official using a County Purchase Card or County Credit Card are subject to and must comply with the terms of this Ordinance. The County will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing cards or credit cards that are not issued pursuant to this ordinance or for any purchases that are not authorized by this Ordinance.

(d) **Card Administrator.** The Board of Commissioners designates the Glynn County Director of Administrative Services and CFO as the Card Administrator. The responsibilities of the Card Administrator include:

(1) Manage County issued purchasing cards and credit cards;

(2) Serve as the main point of contact for all County purchasing card and credit card issues;

(3) Serve as liaison to the elected officials authorized to use a purchasing card or credit card and their staff, as well as to the issuer of the purchasing card or credit card;

(4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing card or credit card and their staff;

- (5) Develop internal procedures to ensure timely payment of cards;
- (6) Assist authorized elected officials to dispute transactions when necessary;
- (7) Establish internal procedures to ensure compliance with this Ordinance, the County's Purchasing Ordinance, the User Agreement with the Authorized Elected Official, state law (including specifically, O.C.G.A. §§ 16-9-37 and 36-80-24), and applicable agreements with the business organization, financial institution, or duly authorized agent of such organization or institution issuing the Financial Transaction Card;
- (8) Document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards;
- (9) Audit and reconcile transactions monthly; and
- (10) Maintain records documenting the administration of County Purchasing Cards and County Credit Cards as provided by the County's retention schedule.

(e) **Use of Cards.**

- (1) Authorized Purchases. County Purchase Cards and County Credit Cards issued to Authorized Elected Officials may be used solely to purchase items or services directly related to the public duties of such Authorized Elected Official. All purchases using a County Purchase Card or County Credit Card by an Authorized Elected Official are subject to the terms of this Ordinance, the User Agreement, the County Purchasing Ordinance, and the adopted budget.
- (2) No county elected official, other than an Authorized Elected Official, may use or be issued a County Purchase Card or Credit Card by the County. The cards may only be used by the Authorized Elected Official to whom such cards are issued and are not to be transferred to or used by any other individual, including employees of the elected official. The Authorized Elected Official shall use care to ensure that others do not have access to the card account number, expiration date and security code.
- (3) Unless otherwise approved by the County or established in the User Agreement between the County and Authorized Elected Official, the transaction limits for County Purchase Cards and

Credit cards are \$500 per transaction, except for seminar and conference fees and allowable travel expenses incurred in accordance with the County Travel Policy, which shall be limited to meals, lodging, fuel, vehicles, parking, taxi, tolls, shuttle, and airfare expenses that are directly related to the elected official's public duties. Any purchases using a County Purchasing Card or County Credit Card are subject to sufficient funds remaining in the elected official's adopted budget to cover the expense of such purchases.

(4) County Commissioners may be issued and use a County Credit Card for allowable and budgeted travel expenses incurred in accordance with the County Travel Policy while traveling to or from or attending budgeted events, seminars, and conferences that are located outside of Glynn County. No other use of a County Credit Card is permitted by County Commissioners unless such expense and activity is specifically approved and budgeted by the Board of Commissioners in advance. A report pertaining to the use of County Credit Cards by County Commissioners in the previous month may be generated.

(f) **Unauthorized Purchases.** County purchasing cards and credit cards shall not be used for personal use, cash advances, entertainment, alcoholic beverages, or for items or services that are not directly related to the public duties of the Authorized Elected Official. Elected officials shall not request or receive cash from suppliers or vendors as a result of exchanges or returns. All refunds or exchanges must be credited to the card account. Additionally, County Purchasing Cards and County Credit Cards shall not be used to avoid compliance with the County's Purchasing Ordinance, to purchase items or services that are not approved in the budget adopted by the County for that elected official, to purchase items or services exceeding the per transaction limit, or to purchase items or services not in compliance with the County Travel Policy or the User Agreement between the Authorized Elected Official and the County.

(g) **Receipts and Documentation.** Receipts, invoices and other supporting documentation of all purchases made with a County Purchasing Card or County Credit Card shall be obtained by the Authorized Elected Official and submitted to the Card Administrator by the 15th day of each month following the month in which the purchase is made. If an original cannot be produced, a duplicate shall be submitted. If neither an original nor a duplicate can be produced, a sworn affidavit of the Authorized Elected Official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price,

price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official County duties.

- (h) **Public Records.** All receipts and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 *et seq.*
- (i) **Review of Purchases and Audit.** Proper documentation of purchases, internal controls and other measures assist in the prevention and detection of misuse or abuse of County issued Purchase Cards and Credit Cards. Authorized Elected Officials issued a County Purchase Cards or County Credit Card and the County employees that process payments for such cards shall cooperate and comply with the procedures established by the County.
 - (1) **Review of Purchases.** All purchases shall be reviewed according to the following procedure:
 - (i) At the close of the monthly billing cycle, each Cardholder will receive a billing statement.
 - (ii) The Cardholder shall be required to balance the statement to his or her receipts and complete an activity log provided by the Card Administrator.
 - (iii) The activity log, statement, and all documentation shall be returned to the Card Administrator for payment.
 - (iv) The Card Administrator shall review the activity log and receipts, obtain any additional information needed, and make payment on the account for purchases authorized by this Ordinance.
 - (2) **Audits.** The Card Administrator shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials issued a County Purchasing Card or County Credit Card and staff shall cooperate with such review.
- (j) **Violations.**
 - (1) An elected official shall reimburse the County for any purchases made with a County Purchase Card or County Credit Card in violation of this Ordinance or the User Agreement.

- (2) In the discretion of the County, failure to comply with the procedures outlined in this Ordinance may result in:
 - (i) A warning to the Elected Official;
 - (ii) Suspension of the elected official's privileges to use a County Purchase Card or County Credit Card; or
 - (iii) Revocation of the Elected Official's Privileges to use a County purchase card or County credit card.
- (3) Nothing in this Ordinance shall preclude any other civil or criminal remedy under any other provision of law or preclude the County from reporting misuse or abuse of a County Purchasing Card or County Credit Card to the appropriate authorities for prosecution.

EMERGENCY MANAGEMENT ORDINANCE

(Ordinance of 3-2-89; Amended 7/2/91; 09/05/96; 09/21/00, 10/04/07, 01/07/16, 08/18/16, 05/18/17)

2-2-22 Emergency Management Policy. (#O-2016-12)

Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from man-made or natural causes; in order to ensure that preparations in Glynn County (including the City of Brunswick, if adopted by the Mayor and City Commission of the City of Brunswick) will be adequate to deal with such emergencies or disasters; generally to protect the public peace, health and safety; and to preserve the lives and property of the people in Glynn County, it is found and declared necessary:

- 1) To create an emergency management and homeland security agency for emergency management and homeland security in Glynn County to be known as the “Glynn County Emergency Management and Homeland Security Agency”;
- 2) To confer upon the Board of Commissioners of Glynn County and the Chairman of the Board of Commissioners the emergency powers provided for in this Ordinance;
- 3) To authorize the establishment of an emergency management and homeland security agency and the taking of such steps as are reasonable and necessary to implement the provisions of this Ordinance;
- 4) To authorize the establishment of a curfew when deemed necessary to maintain order and to protect either the citizens or their property;
- 5) To require the registration of building construction and repair contractors during an emergency; and
- 6) To prohibit any person from raising prices for goods, materials, services, and housing to excessive, unconscionable or unfair levels during an emergency.

2-2-23 Definitions. (#O-2017-04)

As used in this Ordinance, the term:

- 1) “Agency” means the Glynn County Emergency Management and Homeland Security Agency enacted by the Board of Commissioners of Glynn County.

- 2) “Emergency Management and Homeland Security” means the preparation for the carrying out of all emergency functions to prevent, minimize and repair injury and damage resulting from emergencies, disasters or imminent threat thereof, of man-made or natural origin caused by civil disturbance, fire, flood, earthquake, wind, storm, wave action or similar physical conditions. These functions include without limitation, fire-fighting services; police services; medical and health services; rescue; engineering; warning services; communications; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.
- 3) “Board of Commissioners” means the Glynn County Board of Commissioners.
- 4) “Disaster-Generated Debris” means any material, including trees, stumps, trunks, branches, limbs, leafy or vegetative material, personal property, building materials, and construction and demolition materials, on public or private property that is directly deposited or generated by a natural or manmade emergency or disaster.
- 5) “State of Emergency” means the conditions declared by the Board of Commissioners, or by the Chairman of the Board of Commissioners in their absence, when, in the judgment of the Board of Commissioners or Chairman in their absence, the threat or actual occurrence of a natural or man-made disaster or emergency is of sufficient severity and magnitude to warrant extra ordinary action to prevent or alleviate the loss of human life or damage to public or private property.

2-2-24

Enforcement.

The law enforcement authorities of the State of Georgia; the Glynn County Sheriff's Department; the Glynn County Police Department and the City of Brunswick Police Department shall enforce the orders, rules and regulations issued pursuant to the terms and conditions of this Ordinance. During a declared state of emergency, the Chief of Police of Glynn County, Georgia, shall have the authority and power to increase the number of and swear in additional police officers during the declared state of emergency. Such officers' tenure shall expire at the conclusion of the state of emergency.

2-2-25

Organization. (#O-2016-12)

- a) There is hereby established pursuant to the provisions of this Ordinance an agency which shall be known as the "Glynn County Emergency Management and Homeland Security Agency", hereinafter called the "Emergency Management and Homeland Security Agency" with a director of emergency management and homeland security who shall be the head thereof.
- b) The Board of Commissioners of Glynn County shall nominate a director of emergency management and homeland security who shall be appointed in accordance with the provisions of O.C.G.A. § 38-3-27. The director shall be subject to the direction and control of the Board of Commissioners, through the Glynn County Director of Community Services, and shall be responsible for the carrying out of the programs for emergency management in Glynn County. The Glynn County Director of Community Services shall act as the acting director of emergency management and homeland security in the event of the absence or disability of the director for any reason. The compensation of the director shall be fixed by the Board of Commissioners and the director shall hold the office at the pleasure of the Board of Commissioners.
- c) The director may employ such technical, clerical, stenographic and other personnel, may fix their compensation; and may make such expenditures with the appropriations therefore, or from other funds made available to him or her for the purpose of emergency management and homeland security as may be necessary to carry out the purposes of this Ordinance.
- d) The director, subject to the direction and control of the Board of Commissioners, shall be responsible for carrying out the programs for emergency management and homeland security in Glynn County. He shall coordinate the activities of all organizations called upon to assist in a state of emergency in Glynn County, shall maintain liaison with and cooperate with the Georgia Emergency Management and Homeland Security Agency and the emergency management agency of the federal government.
- e) The Police Chief and Fire Chief shall be the disaster coordinators and shall act for the Chairman of the Board of Commissioners when requested to do so by the Chairman of the Board of Commissioners or the Vice-Chairman in the Chairman's absence.

Emergency Powers. (#O-2016-12)

- a) In the event of actual or impending emergency or disaster of natural or man-made origin within Glynn County, the Board of Commissioners or in their absence, the Chairman of the Board of Commissioners may declare a state of emergency. The Board of Commissioners shall for the purposes of this Ordinance be deemed to be absent when a quorum thereof cannot be obtained with a reasonable period of time taking into consideration the emergency nature of the situation.
- b) Prior to declaring any state of emergency, the Board of Commissioners or the Chairman shall seek the advice and concurrence of the Georgia Emergency Management and Homeland Security Agency.
- c) A declaration of a state of emergency or disaster shall activate the emergency and disaster response and recovery aspects of the plans applicable to Glynn County and shall be authority for the deployment and use of force to which the plans apply and for the use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to provisions of this Ordinance.
- d) Upon proclamation by the appropriate state official, the Board of Commissioners, or in their absence the Chairman, of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting Georgia or the United States, the affairs and business of Glynn County may be conducted at places other than the regular or usual place thereof, within or outside of Glynn County, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of Glynn County, all actions taken by the Board of Commissioners shall be as valid and binding as if performed within Glynn County. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.
- e) Upon declaration of a state of emergency, the Board of Commissioners or the Chairman of same may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this subsection shall be entered on the minutes of the County as soon as practical and the nature of the emergency shall be described therein.
- f) Upon declaration of a state of emergency, the Board of

Commissioners or the Chairman of same may temporarily suspend the enforcement of the Glynn County Code of Ordinances, or any portion thereof, where: (a) the emergency or disaster is of such nature that immediate action outside the Code is required; (b) such suspension is consistent with the protection of the public health, safety and welfare; and (c) such suspension is not inconsistent with any federal or state statutes or regulations.

- g) Upon declaration of a state of emergency, the Board of Commissioners or the Chairman of same may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.
- h) Upon declaration of a state of emergency, the Board of Commissioners, the Chairman of same, or their designee may issue permits for the use of temporary mobile homes, trailers, recreational vehicles or other temporary dwelling structures in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the Glynn County Health Department and Glynn County Building Inspections Division. The temporary permit shall not exceed twelve (12) months in duration. In the case of continuing hardship, and in the discretion of the Board of Commissioners or its designee, the permit may be extended one time for an additional six (6) months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.
- i) The Chairman of the Board of Commissioners shall have and may exercise for such periods as the state of emergency or disaster exists or continues the following emergency powers:
 - 1. Command or utilize any private property if he finds this necessary to cope with the emergency or disaster;
 - 2. Direct and compel the evacuation of all or a part of the population from any stricken or threatened area within Glynn County if he deems this action necessary for the preservation of life or other disaster mitigation or response;
 - 3. Prescribe routes, modes of transportation, and destinations in connection with the evacuation;
 - 4. Control ingress and egress to and from the disaster area and the occupancy of premises therein;

5. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives or combustibles;
 6. Make provision for the availability and use of temporary emergency housing;
 7. Suspend any regulatory ordinance prescribing the procedure for conduct of County business, or the orders, rules and regulations of any County agency, if strict compliance with any ordinance, order, rule, or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster;
 8. Utilize all available resources of Glynn County as may be reasonably necessary to cope with the emergency or disaster;
 9. To perform and exercise such other functions, powers, and duties as may be necessary to promote and secure the safety and protection of the public;
 10. To enforce all laws, rules and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in Glynn County; and
 11. To seize or take for temporary use, property for the protection of the public.
- j) Any power or authority granted to the Chairman of the Board of Commissioners by this Ordinance may be exercised by the Vice-Chairman of the Board of Commissioners so long as the Chairman of the Board of Commissioners is absent from Glynn County or otherwise unable to perform the duties of the office of the Chairman. If the Chairman and Vice Chairman of the Board of Commissioners are both absent from Glynn County or otherwise unable to perform the duties of the office of Chairman, any power or authority granted to the Chairman of the Board of Commissioners by this ordinance may be exercised by the member of the Board of Commissioners designated by the Chairman of the Commission. The Chairman, during the Committee appointments, shall designate a line of authority setting forth the order of succession of the Commissioners for exercising the power and duties until either the Chairman or Vice-Chairman are able to exercise those powers and duties.

2-2-27

Regulations. (#O-2016-12)

- a) The director of the agency is authorized and empowered to make orders, rules and regulations as may be necessary for emergency

management and homeland security purposes, provided such orders, rules and regulations are non-inconsistent with any orders, rules or regulations promulgated by the Governor of the State of Georgia or by any state agency exercising power delegated to it by him.

- b) All such orders, rules and regulations shall be approved by the Board of Commissioners prior to their effective date and copy, as approved, shall be filed with the Clerk of the Board of Commissioners.
- c) All such orders, rules and regulations promulgated by the Board of Commissioners shall have the full force and effect of law.

2-2-28 Institution of Curfew.

- a) Upon declaration of a state of emergency, the Board of Commissioners or the Chairman of same may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Glynn County.
- (b) All of the territory of the unincorporated area of Glynn County shall be subject to the terms of the curfew, unless otherwise specified in the resolution.
- (c) The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.
- (d) It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated Glynn County during the stated hours of the curfew.

2-2-29 Registration of Building and Repair Services.

- a) All building contractors doing business or proposing to do business in the unincorporated areas of Glynn County during a state of emergency or the subsequent recovery period shall register and file applications with the Clerk of the Board of Commissioners or such other person designated by the Board of Commissioners. The building contractor shall, under oath, provide the Board of Commissioners with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the County.
- b) Building contractor registration fees are hereby fixed under the terms and conditions of this ordinance at \$50.00 per annum. Registration fees shall be paid in full at the time of issuance of the registration

certification.

- c) No person, firm, partnership, corporation or other entity shall engage in, undertake or carry on any business in whole or in part within the unincorporated areas of Glynn County, consisting of or relating to building, constructing, repairing, renovating or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto without having registered the name of the business with the governing authority of the County and having paid fees as provided by this ordinance.
- d) Each certification issued under this ordinance is granted to, and shall be accepted by, the building contractor under the condition that the same is not transferable and after issuance no such certification shall be transferred by Glynn County or the building contractor to another individual or entity.
- e) Each certification issued hereunder shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.
- f) Each certification granted under this ordinance is a mere permit to engage in the business only so long as said business is conducted in a lawful manner. The Board of Commissioners hereby reserves the right to revoke or suspend any certification granted hereunder, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this ordinance or any other county, state or federal law. If after issuance of a certification, Glynn County desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The revocation hearing shall take place at a regular or special called meeting of the Board of Commissioners. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.
- g) This ordinance shall take effect on the date of its being duly adopted and shall apply to all building contractors doing business in the unincorporated areas of Glynn County on that date and doing business on any date thereafter. However, this ordinance and any certification issued pursuant to it shall be operative only during the

period of a declared state of emergency and any subsequent recovery periods.

- h) Any building contractor required by this ordinance to pay a registration fee who engages in business without first registering and receiving a registration certification from the County as required shall be in violation of this ordinance. Each day a building contractor does business in the unincorporated area of Glynn County without complying with this ordinance shall constitute a separate offense.

2-2-30 Overcharging Prohibited.

It shall be unlawful throughout the duration of a state of emergency or subsequent recovery period in which Glynn County has been designated as a disaster area, for any person, firm, or corporation located or doing business in Glynn County to overcharge for any goods, materials, services or housing sold within the County. Each sale in violation of this section shall constitute a separate offense.

2-2-31 Post-Disaster Debris Collection. (#O-2017-04)

- (a) In the event of a natural or manmade emergency or disaster that has been declared a state of emergency, the Board of Commissioners, or the Chairman of same in their absence, may exercise Glynn County's authority to implement the measures set forth in this Section 2-2-31.
- (b) The Board of Commissioners shall have the authority and responsibility to protect the public health and safety. The Board of Commissioners, or Chairman of same in their absence, shall have the authority to clear and remove Disaster-Generated Debris, and/or to authorize the clearance and removal of Disaster-Generated Debris on its behalf, which poses an immediate threat to life, public health, and safety, poses an immediate threat of significant damage to improved public or private property, and/or threatens the economic recovery of Glynn County.
- (c) Glynn County is hereby authorized to enter upon and clear and remove Disaster-Generated Debris from public and private roads, rights-of-way, storm drainage easements, and ingress/egress easements within the unincorporated area of Glynn County, including private residential communities, for the purposes of emergency vehicle travel, stormwater conveyance, protecting public health and safety, facilitating response and recovery operations, and for any other purpose that the Board of Commissioners, or the Chairman of same in their absence, determines is necessary to eliminate an immediate threat to life, public health, and safety, eliminate an

immediate threat of significant damage to improved public or private property, and/or ensure the economic recovery of the affected community to the benefit of the community-at-large.

- (d) This Section 2-2-31 shall apply only during a state of emergency and the subsequent recovery period thereafter and is to be construed and interpreted in conjunction, and not in conflict, with other ordinances, plans, resolutions, and policies of Glynn County pertaining to debris management and governmental access to public and private roads. It is not intended, nor shall it be construed, to diminish or lessen any other authority or authorizations of Glynn County pertaining to debris management and governmental access to public and private roads, including but not limited to nuisance and abatement authority under 2-5-202.

2-2-32 Penalties. (#O-2017-04)

Violation of any of the provisions of this ordinance, upon conviction, shall be punishable by a fine not to exceed \$1,000 per violation or imprisonment not to exceed sixty (60) days, or both.

2-2-33 Severability. (#O-2017-04)

If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative, or void by any court of competent jurisdiction, such holding shall not affect the remainder of this ordinance.

2-2-34 – 2-2-40 Reserved.

ETHICS ORDINANCE

(Ordinance of 3-2-89)

2-2-41 Definitions.

As used in this Ordinance, the term:

"Board of Commissioners" or County Commission" means the Board of Commissioners of Glynn County.

"Business Entity" means corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

"County" means Glynn County, a political subdivision of the State of Georgia.

"County Employee means an employee of Glynn County who is expected in the course of performing his assigned duties to exercise management responsibilities or to supervise other employees in the performance of their assigned duties and tasks.

"Confidential Information" is any information which is available to any County official or employee because of the County official's or employee's status with the County and is not a matter of public knowledge or available to the public upon request.

"County official" means an official appointed by the Board of Commissioners, whether paid or otherwise, to serve on advisory committee, board, authority or other agency and the individual members of the Board of Commissioners.

"Financial interest" means all direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten (10%) percent or more; or any relationship from which or a result of which, a County official or employee has received, or is presently or in the future entitled to receive more than \$50.00 per year, or its equivalent; or holding a position in the business such as an officer, director, trustee, partner, employee or the like, or holding any portion of management.

"Gratuity" means a payment, award, subscription, advance deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received. A gratuity may include any tangible or intangible benefit in the nature of gifts, favor, entertainment, discount, passes, transportation, accommodations, hospitality or offer of employment.

"Kickback" shall mean any payment, gratuity or offer of employment made by or on behalf of a contractor under a contractor to the County, an inducement for the award of a contract or purchase of or for securing, any other objective sought by persons contracting, or seeking to contract with the County; or attempting to influence an official decision, action or rule or regulation of the County.

"Member of the Family" means the spouse, mother, father, brother, sister, son or daughter related by blood or marriage to a County official or employee.

"Nominal value" means actual worth or cost whichever is greater which does not exceed \$50.00 individually or cumulatively.

"Property interest" means the direct or indirect ownership of property, whether personal or real, and includes any percentage of ownership less than total ownership.

"Offer of Employment" means an offer of employment where it relates to or arises in connection with a particular matter, program requirement, contract, subcontract or solicitation or proposal therefore.

"Official action" means any action of the Board of Commissioners which is required to be voted on by the Board of Commissioners at a regular or special called meeting of the full board.

2-2-42 Statement of Policy.

It is the purpose of this Ordinance to prohibit the chairman of the Board of Commissioners, individual Commissioners, other County officials, whether elected or appointed, and certain employees of Glynn County, from engaging in any business; employment; rendering services; having contractual, financial or other private interest, direct or indirect, which are in conflict with or could reasonably appear to be in conflict with, the proper discharge of their official duties or conflict with the best interest of the County, or which would tend to impair independence and objectivity of judgment or actions in the performance official duties.

2-2-43 Standard of Conduct.

County official and employees are expected to discharge their duties impartially and to conduct their affairs and duties so as to foster public confidence in the integrity of County government. To achieve these purposes, it is essential that all County officials and employees observe the

ethical standards of the County. County official or County employees shall not attempt to realize personal financial gain through County service or employment by conduct inconsistent with the proper discharge of their duties. Any such conduct is a breach of public trust and in violation of the ethical standard contained in this Ordinance.

2-2-44 Conflict of Interest.

Engagement in any business or transaction with the County or having a financial interest or private interest, direct or indirect, in any County contract or proposed contract, constitutes a conflict of interest adverse to the proper discharge of the duties of a County official or employee and the best interest of the County. It shall be unethical for any County official or employee to participate directly or indirectly in a procurement or real estate transaction in which the official or employee has an adverse financial interest. It shall be unethical for any County official to take any official action or attempt to influence any official action with regard to any matter in which he knows or should know that he has a direct or indirect financial interest in the subject matter of or in the outcome of such official action.

2-2-45 Adverse Interest.

Circumstances such as, but not limited to the following are deemed in conflict with an "adverse" to the proper discharge of official duties of County officials and employees:

- a) Using public office for private gain;
- b) Giving undue preferential treatment to any business entity or person;
- c) Knowingly impeding government efficiency or economy;
- d) Receiving gifts, other than campaign contributions, complimentary services, free vacations or travel having more than a nominal value and which are calculated to influence the decision of the officers or employees as to any business dealing with the County;
- e) Attempting to influence the actions or conducts of County officials or employees in behalf of a business entity in which the County official, employee or family member has a financial interest or property interest.
- f) The participation, directly or indirectly by any County official or employee in any decision of the Board of Commission relating to any matter in which he or she has a substantial interest or involvement

which reasonably may be expected to result in a direct financial benefit to the County official or a business entity in which he or a member of his family has a financial interest.

- g) Direct or indirect participation in a procurement or real estate transaction through decision, approval, disapproval, recommendation, preparation of any part of a bid specification or purchase request, including the content of any specification or procurement standard or rendering advice in which he or she has a substantial interest or involvement which reasonably may be expected to result in a direct financial benefit to the County official or employee or a business entity in which he or a member of his family has a financial interest;
- h) Obligating the County without proper authority.

2-2-46 Gratuities or Kickbacks.

No gratuities or kickbacks shall be made to or accepted by any County official or employee. It is a breach of the ethical standards:

- a) For any person to offer, give or agree to give a County official, employee or former employee a gratuity, kickback or an offer of employment; and
- b) For any County official, employee or former employee to solicit, demand or accept a gratuity, kickback or an offer of employment.

2-2-47 Contemporaneous Employment.

No County official or employee involved in the procurement process shall be employed by any person contracting with or using the Department with which the employee is employed. For the purpose of the prohibition against contemporaneous employment "contracting" means performing a County contract or actively seeking award of a County contract.

2-2-48 Confidential Information.

No official, employee or former employee shall willfully or negligently use confidential information for their or another's actual or anticipated financial gain.

2-2-49 Disclosure.

Within ten (10) days after the County official or employee has actual or constructive notice of a benefit received or to be received from procurement,

real estate transaction or official action, the official or employee must file a written disclosure statement with the Board of Commissioners or its designee.

- a) If the alleged conflict involves procurement or a real estate transaction, the disclosure statement shall set forth:
 - 1. The name of the County official or employee, and the name of the family member, if applicable, and the name of the business entity involved;
 - 2. The name of the Department with which business entity contracted or is seeking to contract;
 - 3. The estimated dollar amount and nature of the contract; and
 - 4. The nature and extent of the benefit received or to be received.
- b) If the alleged conflict involves an official action or a proposed official action, the disclosure statement shall set forth:
 - 1. The name of the County official, or employee, and the name of the family members, if applicable;
 - 2. The name of any business entity which he or a member of his family has a financial interest;
 - 3. A description as to how financial or property interest will be effected or impacted by the official action; and
 - 4. The nature and extent of the benefit received or to be received.

2-2-50 Determination of Conflict of Interest or Adverse Interest.

The Board of Commissioners shall determine in writing whether:

- a) The official or employee involved in the proposed transaction or his participation in the proposed official action is adverse to the interest of the County and thus a conflict of interest which is prohibited;
- b) The official or employee's financial interest is not adverse to the interest of the County, and thus not prohibited; or
- c) The ethical conflict is insubstantial or remote, and, thus, the County official's or employee's involvement is not prohibited.

Within ten days from receipt of the written disclosure statement from a County official or employee, the Board of Commissioners shall make a determination as to whether or not the official's or employees financial interest is an adverse conflict of interest.

2-2-51 Penalties.

a) Employees:

Employees are subject to the following penalties and action for breach of ethics:

1. Written warning or reprimand;
2. Suspension with or without pay;
3. Termination of employment;
4. Recovery of value transferred or received by the County; and
5. Cancellation of the contract or rejection of the bid or offer.

b) Non-Employees:

Non-employees are subject to the following penalties and action for breach of ethics:

1. Written warning or reprimand;
2. Removal from office;
3. Cancellation of the contract or rejection of the bid or offer;
4. Recovery value transferred or received; and
5. Debarment or suspension from award of County contract for a period of up to three (3) years.

c) Due Process:

All penalties and administrative remedies taken by the Board of Commissioners or County Administrator against employees or non-employees for breach of ethical standards will conform to the procedure set out in Sections 2-12-24 through Section 2-12-44 of the Personnel Ordinance dealing with due process of law.

2-2-52 - 2-2-69

RESERVED.

RECORDS MANAGEMENT ORDINANCE
(Ordinance of 5/17/01)

2-2-70 Short Title.

This Ordinance shall be known and may be cited as the "Records Management Ordinance."

2-2-71 Purposes.

It is declared that the purpose of this Ordinance is to prevent the proliferation of records in original form maintained as public records, except to the extent the records may be necessary for permanent preservation as provided by state and federal laws. Further, it is the purpose of this Ordinance to establish and maintain an active and continuing program for the economical and efficient management of public records, and to provide for maximum utilization of County resources in office space and filing equipment through approved records maintenance and retention schedules.

2-2-72 Adoption of Georgia Records Act.

The Board of Commissioners hereby adopts the Georgia Records Act, O.C.G.A. 50-18-90 *et seq.* and the rules and regulations, as amended from time to time, established pursuant to said act as a basis for establishing a records management program.

2-2-73 Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, except where the context clearly indicates a different meaning.

Agency means any County office, department, division, board, bureau, commission or other separate unit of county government created or established by law and under the jurisdiction of the Glynn County Board of Commissioners. Records of the judiciary, court personnel, and the County Attorney's office are expressly excluded from this Ordinance.

County means Glynn County, a political subdivision of the State of Georgia.

Records means all documents, papers, letters, maps, books (except books in formerly organized libraries), microfilm, magnetic tape, audio and video tapes, or other material, regardless of physical form or

characteristics, made or received pursuant to law or ordinance or in performance of functions by any agency. All records created or received in the performance of a public duty or paid for by public funds by Glynn County are deemed to be public property and shall constitute a record of public acts.

Record Series means documents or records having similar physical characteristics or relating to a similar function or activity that are filed in a unified arrangement.

Retention Schedule means a set of disposition instructions prescribing how long, where, and in what form a record series shall be kept.

2-2-74 County Clerk Designated as Records Management Officer.

The Clerk of Glynn County is responsible for the administration of the records management program and is hereby designated the Records Management Officer for the County. The Clerk will act for and on behalf of the Board of Commissioners in directing and coordinating all records management matters. The duties of the Clerk shall include, but are not limited to, the following:

- (a) Establish and maintain an active and continuing program for the economical and effective management of public records, including, but not limited to, an automated storage and retrieval system;
- (b) Assist each agency in the implementation of a plan for records management;
- (c) Conduct training in records management for designees of agencies as needed;
- (d) Coordinate records management matters with the State Records Committee and the State Department of Archives and History;
- (e) Preserve records of continuing value;
- (f) Coordinate removal of records not in common and current use from office space to a designated records holding facility and remove other records upon the expiration of their day-to-day utility in the office in accordance with approved disposition standards;
- (g) Systematically eliminate all other records in accordance with approved disposition standards and retention schedules; and
- (h) Act as Chairman of the Records Committee with its attendant duties as set forth in Section 2-2-75, Records Committee.

2-2-75 Records Committee.

- (a) Created; Members: There is hereby created and established a Records Committee which shall be deemed an agency of Glynn County. The Records Committee shall consist of nine (9) members comprised of the County Clerk, Director of Community Development, Director of Finance, Director of Personnel, Chief of Police, Chief of Fire, Director of Public Works, or their designated departmental records manager, and two management level full-time employees from Administration to be selected by the County Administrator. The County Clerk shall serve as the Chairman of the Committee. The Records Committee may exercise the powers set out in this Ordinance at any place located within Glynn County, Georgia.
- (b) Duties and Responsibilities:
- (1) The Records Committee shall develop, establish and issue procedures and policies consistent with the purpose of this Ordinance through the guidance of the State Records Committee and the State Department of Archives and History. The Records Committee shall establish standards for economical and efficient management relating to the creation, utilization, maintenance, retention, preservation and disposition of records.
 - (2) The Records Committee shall review agency petitions requesting a change in any approved records retention schedules submitted pursuant to Section 2-2-77, Agency Petition to Records Committee; Final Decision. The Committee shall approve or disapprove the petition based upon legal, fiscal, administrative and historical retention requirements. The decision of the Records Committee shall be final and no appeal to the Board of Commissioners is hereby authorized. If the petition is approved, the Records Committee shall recommend modification of records retention schedules to the Board of Commissioners for consideration and adoption and transmission to the State Records Retention Committee for approval.
- (c) Meetings:
- (1) The Chairman of the Records Committee shall be responsible for scheduling and presiding over the meetings. The meetings are subject to the Open and Public Meeting law (O.C.G.A. ' 50-14-1 *et seq.*). The Chairman of the

Records Committee shall appoint a member of the Committee to keep the minutes and records of the Committee.

- (2) More than one-half of the members of the Records Committee shall be necessary to constitute a quorum for the transaction of business at any meeting, but a lesser number shall not require the adjournment of the meeting. An affirmative vote of five (5) members of the Records Committee shall be required for the transaction of any official business.

2-2-76 Agency Records Management Duties.

It shall be the duty of each agency to:

- (a) Cause to be made and preserved records containing adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the County and of persons directly affected by the activities of agency;
- (b) Cooperate fully with the County in complying with this Ordinance;
- (c) Establish and maintain an active and continuing program for the economical and efficient management of records and assist the County in the conduct of records management surveys and inventories;
- (d) Implement records management procedures and policies issued by the County;
- (e) Establish necessary safeguards against removal or loss of records and such further safeguards as may be required by rules or policies of the County. The safeguards shall include notification to all officials and employees of the agency that no records in the custody of same are to be alienated or destroyed except in accordance with this Ordinance; and
- (f) Designate an agency records manager who shall maintain and operate a records management program in accord with this Ordinance.

2-2-77 Agency Petition to Records Committee; Final Decision:

- (a) Any agency that desires to retain a record or record series in a time, place and manner different than specified in the approved retention schedule for the agency shall submit a written petition to the Records Committee for consideration. The petition shall include, but is not limited to, the type of record or record series, the rationale for the desired action modifying the records retention schedule, and a request to appear before the Records Committee when the petition is presented for consideration. The rationale by the agency shall be based on the legal, fiscal, administrative and historical retention requirements and standards established by the Records Committee.
- (b) The Records Committee shall review each petition submitted by an agency requesting a change in the agency's retention schedule and hear presentations by the agency if requested in the petition. If no such request was made in the petition from the agency, the Chairman of the Records Committee may allow such presentations. A quorum vote by the Records Committee will be the final decision on retention of the record or record series. A modification, if any, to the retention schedule will be forwarded by the Committee Chairman to the Board of Commissioners for adoption and then to the State Records Committee for approval.
- (c) If under appeal, no record or record series scheduled for destruction pursuant to a retention schedule and listed in the petition shall be destroyed until notification is received from the State Records Committee or its designee.

2-2-78 Dispositions of Records.

- (a) A centralized records center or local holding area shall be established and secured to safeguard records. All records not required for day-to-day operations shall be transferred to the records center or local holding area until destroyed in accordance with the approved records retention schedules and destruction policies and procedures.
- (b) No record shall be altered, alienated, or destroyed except in accordance with the provisions of this Ordinance.

- (c) No record shall be placed in the custody of private individuals or institutions or semi-private organizations, except for disposal and destruction purposes.

2-2-79 Retention and Destruction of Audio and Video Meeting Tapes.

Retention and destruction of audio and visual tapes of the Board of Commissioners and each agency, including advisory boards and committees who augment their minutes with the use of audio and video recordings, shall retain and destroy such records as follows:

(a) Audio:

- (1) Retention: Retain for a period of one (1) year with each retention year beginning with the first meeting in January and ending with the last meeting in December. *As a new year is added, the oldest year is destroyed.*
- (2) Destruction: Destruction of tapes equal to one full year beginning with the first meeting in January and ending with the last meeting in December. *As a new year is added, the oldest year is destroyed.*

(b) Video:

- (1) Retention: Retain for a period of five (5) years with each retention year beginning with the first meeting in January and ending with the last meeting in December. *As a new year is added, the oldest year is destroyed.*
- (2) Destruction: Destruction of tapes equal to one full year beginning with the first meeting in January and ending with the last meeting in December. *As a new year is added, the oldest year is destroyed.*

(c) Destruction Method:

- (1) An inventory of all videotapes shall be taken and a record kept in the County Clerk's Office. Said inventory shall include the date of inventory, preparer(s) name(s), list of individual meeting dates and the individual number of meeting tapes destroyed in correlation to the meeting date.

The audio and videotape casings shall be broken apart with tape contents removed completely from spools and disposed of in the same routine manner as other office related trash.

- (2) Upon written notice from the Clerk, the video contractor for official County meetings shall follow the same destruction form as outlined in this subsection relative to those video tapes in his/her possession and enter inventory information in like manner. The contractor shall return the inventory and destruction information to the Clerk for inclusion in the inventory records.

2-2-80 Penalty.

- (a) The alienation, alteration, theft, or destruction of records by any person or persons in a manner not authorized by an applicable retention schedule shall be guilty of a misdemeanor.
- (b) No custodian of any public record, or their employee, agent or designee, acting in substantial compliance with this Ordinance shall be held personally liable or guilty of a misdemeanor.

2-2-81 Conflicts of Laws.

- (a) All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.
- (b) To the extent records are managed for retention and destruction pursuant to state and federal statutes that conflict with this Ordinance, such records are exempt from the County's retention schedules. An agency shall provide a written explanation to the Chairman of the Records Committee identifying the record or record series and the applicable statutory citation so that such records can be removed from the County's retention schedules.

2-2-82

2-2-83 Severability Clause.

If any section or paragraph of this Ordinance should be declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of the Ordinance. All parts or portions hereof not so declared unconstitutional or invalid shall remain in full force and effect as if separately adopted.

2-2-83 - 2-2-99

Reserved.

EMINENT DOMAIN ORDINANCE
(Ordinance of 08/18/05; Amended 09/15/05)

2-2-100 Eminent Domain

The power of eminent domain shall not be used by Glynn County for private uses, projects, or developments. However, nothing in this section shall be construed to conflict with, diminish, or affect Glynn County's ability to enforce the Glynn County Nuisance Abatement Code, as set forth in ordinance sections 2-5-200 *et seq.* (#O-2005-15)