COUNTY DEPARTMENT AGENDA REQUEST

Department:	Purchasing	Presenter(s):	Scott Bennett/Ted Burgess
Meeting Date:	Thursday, June 23, 2011	Type of Request:	Consent

Wording for the Agenda:

Approval of Resolution No. 2011-09 which amends local legislation pertaining to Fayette County's authority to establish rules and regulations related to the purchase of goods and services for the County. This action is being taken to expedite the purchase of gas and fuel, which can result in a savings to the County.

Background/History/Details:

Staff is seeking to a change to the County's purchasing regulations that will enable larger quantities of fuel to be purchased at one time and in a more timely manner. Current regulations limit the dollar amount of goods that can be purchased without a formal bidding process, and a bid award by the Board of Commissioners, to $20,000. With fuel prices escalating, this threshold limits the County's ability to "shop" for fuel effectively and to be able to take advantage of quantity discounts that may be available for a limited time only.

In order to amend the County's purchasing authority, the County's Code of Ordinances must be amended. To do that, local legislation that mandates how the County's ordinance is written must also be amended. To accomplish that, there is a cumbersome legal process that requires that Resolution No. 2011-09 be advertised in the legal notice section of the newspaper, that the Resolution appear on the County Commissioners agenda for two meetings, that the Resolution be adopted, and finally that a new County Ordinance be adopted. Accordingly, Resolution No. 2011-09 was adopted for the first time on June 9 and needs to be adopted again at this meeting. Elsewhere on this agenda is the adoption of Ordinance 2011-04, which will amend the Fayette County Code of Ordinances to allow staff to operate within new limitations for the purchasing of gasoline and fuel.

What action are you seeking from the Board of Commissioners?

Second adoption of Resolution No. 2011-09.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, June 9, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

RESOLUTION NO. 2011-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AMENDING A RESOLUTION TO AMEND GEORGIA LAWS 1959, PP. 2431, 2435, SECTION 13, AS THEREAFTER AMENDED BY GEORGIA LAWS 1984, PP. 5308 – 5311; AND AS THEREAFTER AMENDED; TO PROVIDE FOR PURCHASING BY FAYETTE COUNTY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

WHEREAS, the Fayette County Board of Commissioners finds that it is desirable to amend local legislation pertaining to the authority of the Board to establish rules and regulations pertaining to purchases for the County.

WHEREAS, the Board of Commissioners finds it to be in the best interest of the citizens of Fayette County, Georgia, that the Board be authorized to establish from time to time the spending limits of the County Administrator and the Purchasing Department.

WHEREAS, the Board of Commissioners is authorized to amend local acts pursuant to Ga. Const. Art. IX, § II, ¶I.

NOW, THEREFORE, BE IT RESOLVED, that Georgia Laws 1959, pp. 2431, 2435, Section 13, be amended as follows:

1. By striking from Georgia Laws 1984, pp. 5308 – 5311, Section 13 in its entirety and in lieu thereof enacting a new Section 13 which shall read as follows:

Section 13. The Board shall have and exercise all the powers which were vested by law in the judges of the inferior courts and the ordinary when sitting for county purposes and the sole commissioner of roads and revenues of Fayette County, Georgia. The Board is hereby given complete power, authority and control relative to county matters of Fayette County. The Board is hereby authorized to employ the necessary personnel and fix their compensation to assist in the performance of the duties imposed by this act.

The Board shall have the authority to establish rules and regulations regarding purchases of Fayette County by the County Administrator or the Fayette County Purchasing Director provided such rules and regulations are not inconsistent with State law. The County shall not expend any funds of Fayette County made in violation of the rules and regulations as established by the Board.

SO RESOLVED this ____ day of June, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Herbert E. Frady, Chairman

ATTEST:

_____
Carol Chandler, County Clerk