

City of Guyton, Georgia
CITY COUNCIL MEETING
October 12, 2021 at 7:00 P.M.



C.D. Dean, Jr., Public Safety Complex
GUYTON GYMNASIUM
505 Magnolia Street
Guyton, GA 31312

AGENDA

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Consideration to Approve the Agenda**
4. **Consideration to Approve Minutes of Meetings**

September 14, 2021 City Council Meeting
5. **Reports from Staff or Committees**

Police Department	James Breletic
Fire Department	Clint Hodges
Public Works/Water/Sewer	EOM
Planning and Zoning	Lon Harden
Historical Commission	Pearl Boynes
6. **Public Comments (will be limited to agenda items only)**
7. **New Business**
 - a. Consideration to approve addition of City Clerk Meketa Hendricks-Brown as a signer for City Bank Accounts
 - b. Consideration to approve funding commitments for the State Fiscal Recovery Funds (SFRF) Application Match Commitment Letter
 - c. Consideration to approve the use of SPLOST funds for the purpose of repaving the Guyton Walking Trail
 - d. Consideration to approve Resolution 2021-11 regarding the Charter
 - e. Consideration to approve Resolution 2021-12 regarding the wastewater agreement with the City of Springfield

- f. Consideration to approve Resolution 2021-13 regarding approval of the low bid of the 2021 TSPLOST Guyton Road Improvements Project

8. General Government

- a. Hiring a City Manager
- b. Records Clean Up
- c. LMIG Paving Project

9. Dates to Remember

- a. Saturday, October 16, 2021 from 8:00 a.m. to 2:00 p.m.- Guyton Sale on the Trail, Guyton Walking Trail
- b. Wednesday, October 27, 2021 from 1:00 p.m. to 6:00 p.m.- American Red Cross Blood Drive, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- c. Saturday, October 30, 2021 from 5:00 p.m. to 8:00 p.m.- Guyton Trick or Trail!, Guyton Walking Trail
- d. Early voting will be held at the Effingham County Elections Office, 284 GA-119 S, Springfield, GA 31329 from October 12 to October 29 from 9:00am to 5:00pm, Monday-Friday. Saturday early voting will be October 16 and 23, 9:00am -5:00pm.
- e. Tuesday, November 2, 2021 – Election Day- City of Guyton voters will vote at their regular County polling location on Election Day, which will be either Pilgrim Baptist Association or Pineora Baptist Church. If you are unsure of where to vote check www.mvp.sos.ga.gov or call the elections office, 912-754-8030.
- f. Tuesday, November 2, 2021 at 7:00pm – City Council November Workshop, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- g. Tuesday, November 9, 2021 at 7:00pm – City Council November Meeting, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

10. Public Comments (will be limited to Agenda Items only)

11. Consideration to Adjourn this meeting



City of Guyton
City Council Meeting
September 14, 2021 – 7:00 p.m.

MINUTES OF MEETING

Call to Order – The City of Guyton Council held a Council Meeting on June 8, 2021, at the City of Guyton Gymnasium, 505 Magnolia Street in Guyton. This meeting was called to order by Mayor Russ Deen at approximately 7:00 p.m. Mayor Russ Deen, Mayor Pro Tem Michael Johnson, Sr., Council Member Joseph Lee, and Council Member T. Marshall Reiser were present at this meeting. ***Other Administrative Staff Present*** – Interim City Manager Mike Eskew, City Attorney David Mullens Clerk Crisa Fort were present. ***Guest Present*** - The guests sign-in sheets are filed in the office of the City Clerk.

Invocation – Mayor Dean gave the invocation.

Pledge of Allegiance – The Pledge of Allegiance was led by

Consideration to approve the agenda – Reiser made a motion to approve the agenda as presented. Pelote seconded the motion. **Motion passed unanimously.**

Consideration to approve Minutes of Meetings - Johnson made a motion to approve the minutes from the August 10, 2021, Regular Council Meeting. Lee seconded the motion. **Motion passed unanimously.**

Reports were given by the following Staff or Committees:

- | | | |
|---|--------------------------|----------------|
| • | Police Department | James Breletic |
| • | Fire Department | Clint Hodges |
| • | Public Works/Water/Sewer | EOM |
| • | Planning and Zoning | Lon Harden |
| • | Historical Commission | Pearl Boynes |
-

Public Comments (Limited to Agenda Items only) –

NEW BUSINESS

Second reading and consideration of Ordinance 2021-07 regarding rezoning of 108 Central Blvd – Councilman Johnson made a motion for the Second reading and consideration of Ordinance 2021-07 regarding rezoning of 108 Central Blvd. Lee seconded the motion. **Motion passed unanimously.**

Consideration to approve purchase of lawnmower from Shea Tractor out of Water/Sewer SPLOST funds – Johnson made a motion to approve the purchase of lawnmower from Shea Tractor out of Water/Sewer SPLOST funds. Lee seconded the motion. **Motion passed unanimously.**

Consideration to approve dump trailer purchase or approve dump truck repair – Johnson made a motion to approve the dump trailer purchase or approve dump truck repair. Reiser seconded the motion. **Motion passed unanimously.**

Consideration to approve DDR/EID proposal expense out of the WWTP Construction Fund — Johnson made a motion to approve the DDR/EID proposal expense out of the WWTP Construction Fund. Lee seconded the motion. **Motion passed unanimously.**

Consideration to approve TSPLOST action plan overseen by the City Manager - Reiser made a motion to approve TSPLOST action plan overseen by the City Manager. Johnson seconded the motion. **Motion passed unanimously.**

Consideration to appoint Judge Donald Sheppard as the judge pro tem of the Guyton Municipal Court Johnson motioned to appoint Judge Donald Sheppard as the judge pro tem of the Guyton Municipal Court. Lee seconded the motion. **Motion passed unanimously.**

Consideration to approve Resolution 2021-09 engaging with Gilbert+Associates for the purpose of writing a grant proposal for the Georgia State Fiscal Recovery Fund - Pelote made a motion to approve Resolution 2021-09 engaging with Gilbert+Associates for the purpose of writing a grant proposal for the Georgia State Fiscal Recovery Fund. Reiser seconded the motion. **Motion passed unanimously.**

Consideration to approve \$6,500 for Well Building Replacement overseen by City Manager -Johnson motioned to approve \$6,500 for Well Building Replacement overseen by City Manager. Lee seconded the motion. **Motion passed unanimously.**

Consideration to approve \$17,500 budget for Christmas expenditures overseen by Councilwoman Pelote and Mayor Deen – Johnson motioned to approve \$17,500 budget for Christmas expenditures overseen by Councilwoman Pelote and Mayor Deen. Reiser seconded the motion. **Motion passed unanimously.**

Consideration to approve demolition proposal regarding 113 W Central Blvd. - Reiser motioned to approve demolition proposal regarding 113 W Central Blvd. Johnson seconded the motion. **Motion passed unanimously.**

Consideration to approve \$1000 for advertising upcoming Guyton Events – Reiser motioned to approve \$1000 for advertising upcoming Guyton Event. Johnson seconded the motion. **Motion passed unanimously.**

Consideration to approve Resolution 2021-10 regarding SPLOST IGA – Pelote motioned to approve Resolution 2021-10 regarding SPLOST IGA. Johnson seconded the motion. **Motion passed unanimously.**

Consideration to approve Resolution 2021-03 regarding Employee Handbook – Reiser motioned to approve Resolution 2021-03 regarding Employee Handbook. Pelote seconded the motion. **Motion passed unanimously.**

Dates to Remember:

- a. Tuesday, September 28, 2021, at 6:00 p.m.- Planning and Zoning Public Hearing, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312 Tuesday, August 3, 2021, at 7:00 p.m. City Council Workshop, C.D. Dean Jr., Public Safety Complex, City of Guyton Gymnasium, 505 Magnolia St., Guyton, GA 31312
- b. Tuesday, September 28, 2021, at 7:00 p.m.- Planning and Zoning Meeting, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- c. Tuesday, October 5, 2021, at 7:00 p.m. - City Council Workshop, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

- d. Tuesday, October 12, 2021, at 7:00 p.m. - City Council Meeting, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
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Consideration to move from the Regular Meeting into an Executive Session referencing Litigation and Property Acquisition – Pelote made a motion at approximately 8:09 p.m. to move from this meeting into an Executive Session reference Litigation and Property Acquisition. Lee seconded the motion, **Motion passed unanimously.**

Consideration to take any action needed arising from Executive Session – None

Public Comments (Limited to Agenda Items only) – None

Adjournment – Pelote made a motion at approximately 8:52 p.m. to adjourn this meeting. Johnson seconded the motion. **Motion passed unanimously.**

Russ Deen, Mayor

Crisa Fort, Interim City Clerk

DRAFT LETTER FOR EXAMPLE PURPOSES ONLY

October 2021

The Honorable Brian P. Kemp
Office of the Governor
206 Washington Street
Atlanta, GA 30334

**RE: City of Guyton State Fiscal Recovery Funds (SFRF) Application
Match Commitment Letter**

Dear Governor Kemp,

The City of Guyton is respectfully requesting **\$AMOUNT OF REQUEST** from the SFRF program to increase the City's Wastewater Treatment Plant (WWTP) capacity. Guyton's financial commitment to the project is \$XXXXXXXX and the sources are as follows:

- WWTP Construction Trust----- \$XXXXXXXX
- ARPA awarded funds ----- \$XXXXXXXX
- 2022 ARPA promised funds----- \$XXXXXXXX

Sincerely,

Russ Deen
Mayor

City of Guyton

DATE: 09/22/21

PE20121

PARKER ENGINEERING, LLC

BY: LCT

OPINIONS OF PROBABLE COST

Since the engineer has no control over the cost of labor, materials, equipment, the Contractor's methods of determining prices, or over competitive bidding or market conditions, the Opinions of Probable Construction Cost provided herein are to be made on the basis of the engineer's experience and qualifications. These opinions represent the engineer's best judgment as a design professional familiar with the construction industry.

ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
ITEM 1 - Guyton Trail Rehabilitation Project					
a.	20	SY	402-1802 4" Deep Patching	\$ 40.00	\$ 800.00
b.	350	GL	413-1000 Bituminous Tack Coat	\$ 4.50	\$ 1,574.14
c.	385	TN	402-3103 110 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 105.00	\$ 40,402.82
d.	1	LS	Clip and Dress-Up Shoulders	\$ 2,000.00	\$ 2,000.00
Construction Total					\$ 44,776.95
5% Contingency					\$ 2,238.85
Engineering/Bidding/Construction Observation/Construction Administration					\$ 5,000.00
GRAND TOTAL					\$ 52,015.80
GRANT FUNDS PROVIDED					\$ 22,579.20
TSPLOST/CITY FUNDS REQUIRED (PRIOR TO GRANT AWARD)					\$ 29,436.60

**STATE OF GEORGIA
CITY OF GUYTON**

RESOLUTION # 2021-11

WHEREAS, the City of Guyton (the “City”) has existed as a municipal entity created and recognized by the State of Georgia for over one century; and

WHEREAS, the present City Charter was adopted as a new charter in 2006, over 15 years ago; and

WHEREAS, numerous changes in Georgia law affecting municipalities have been effected during that time; and

WHEREAS, the City of Guyton has experienced significant growth during that time; and

WHEREAS, the City Council recognizes the need for modernization of the existing City Charter; and

WHEREAS, the adoption of a new City Charter for the City requires legislative action before the Georgia General Assembly;

NOW, THEREFORE, it is **HEREBY RESOLVED** by the governing authority of the City of Guyton, Georgia in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. The City Council requests the introduction of local legislation by Representative Jon Burns before the Georgia General Assembly to adopt a new City Charter for the City of Guyton, Georgia, a true and correct copy of which is attached hereto as Exhibit “A”.
2. City Attorney Benjamin M. Perkins of Oliver Maner LLP is authorized to take all actions necessary in coordination with Representative Burns and the local legislative delegation as well as the Office of Legislative Counsel to effect the introduction and passage of such local legislation before the next session of the Georgia General Assembly.
3. This Resolution shall become effective immediately upon adoption.

Adopted this ____ day of _____, 2021.

CITY OF GUYTON

Hon. Russ Deen, Mayor

ATTEST: _____
Meketa Hendricks-Brown, City Clerk

Resolution reviewed and approved as to form by City Attorney:

OLIVER MANER LLP

Benjamin M. Perkins, Esq.

EXHIBIT A

PROPOSED CITY CHARTER

AN ACT

To provide a new charter for the City of Guyton; to provide for incorporation, boundaries, and powers of the city; to provide for the exercise of powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, prohibitions, election, terms, removal from office, method of filling vacancies, compensation, expenses, and qualifications; to provide for conflict of interest and holding other offices; to provide for inquiries and investigations; to provide for organization and meeting procedures; to provide for ordinances; to provide for eminent domain; to provide for codes; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for a veto; to provide for a mayor pro tempore; to provide for a city manager; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, city clerk, and other personnel; to provide for a comprehensive land use plan; to provide for the establishment of a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation, permits, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for contracting and purchasing; to provide for sale of city property; to provide for bonds for officials; to provide for pending matters; to provide for definitions and construction; to provide for severability; to provide for related matters; to repeal a specific Act incorporating the City of Guyton in the County of Effingham approved May

5, 2006 (Ga. L. 2006, p. 4230 (Act No. 810; H.B. No. 1559)); to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CREATION, INCORPORATION, AND POWERS

SECTION 1.10.

Incorporation.

This City of Guyton, in Effingham County, Georgia, and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a municipality and a body politic and corporate under the name and style City of Guyton, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the city hall and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Guyton, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps, which it is designated to replace.

SECTION 1.12.

Powers.

This city shall have all powers possible for a municipality to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

SECTION 1.13.

Examples of powers and construction.

(a) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city. These powers shall include, but are not limited to, the following:

(1) Animal Regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and Expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes

authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

(4) Business Regulation and Taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are now or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental Protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater

utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business in the city benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail Sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(16) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal Debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(24) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

(25) Public Hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public Improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, public grounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentive, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(27) Public Peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(28) Public Transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares,

regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(30) Regulation of Roadside Areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(31) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city;

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

(33) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(34) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and

refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items;

(35) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

(36) Special Assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban Redevelopment. To organize and operate an urban redevelopment program; and

(41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry

into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia. Failure to exercise a power by the city shall not be a waiver or relinquishment of said power; the city may at any future time exercise or restrict such powers; and the failure to exercise such power shall not give any individual or entity any cause of action or claim against the city.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and

four councilmembers. Councilmembers shall be elected at large by the voters of the city in accordance with the provisions of Article V of this charter. The mayor shall be elected as provided in Section 2.32 of this charter. The city council established shall in all respects be successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter. The mayor and city council in office on the effective date of this charter shall serve out the terms to which they were elected.

SECTION 2.11.

City councilmembers; terms and qualifications for office.

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as a councilmember unless that person shall have been a resident of the city for 12 months prior to the date of that councilmember's election. Each councilmember shall continue to reside in the city during that member's period of service and be registered and qualified to vote in municipal elections of this city.

SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies - The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the remaining members of the city council if less than 14 months remains in the unexpired term. If such vacancy occurs 14 months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 of this charter.

SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance. The mayor and councilmembers shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Fiduciary Capacity - Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of Interest - No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

- (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;
 - (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization; or use such information to advance the financial or other private interest of that person or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; or
 - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.
- (c) Disclosure - Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial

interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of Public Property - No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts Voidable and Rescindable - Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that official was elected.

(g) Political Activities of Certain Officers and Employees

(1) Appointed Officers.

- i. No appointed officer of the city shall continue in such appointed position upon qualifying as a candidate for nomination or election to any public office; provided, however, that the foregoing provision shall not apply to any City Accountant, City Auditor, City Attorney, or Assistant City Attorney, unless such person qualifies for election to the office of mayor or councilmember of the city of Guyton, Georgia.
- ii. No appointed officer of the city shall continue in such appointed position upon election or appointment to any public office, which is inconsistent, incompatible, or in conflict with the duties of the appointed officer. Such

determination shall be made by the mayor and council either immediately upon election or at any time such conflict may arise.

(2) Employees. No employee of the city shall continue such employment upon qualifying for election, or election or appointment to (i) any public office in this city or (ii) any public office, which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and council either immediately upon election or at any time such conflict may arise.

(h) Penalties for Violation.

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit that person's office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Guyton and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.17.

Eminent domain.

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting on the first Tuesday in January after an election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members by an officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of the office of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Guyton for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Guyton to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or any two members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor or a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such mayor or councilmember's presence. Only the business stated in the call may be transacted at the special meeting, except by unanimous consent of all members of the council.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure; committees.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a minute book of its proceedings, which shall be a public record.

(b) All committees and committee chairs of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum; voting.

(a) Three members of city council shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote of three councilmembers or two councilmembers and the mayor, or in cases where a bare quorum is present, a majority of the members of a bare quorum, shall be required for the adoption of any ordinance, resolution, or motion.

(b) No member of the city council shall abstain from voting on any matter properly brought before the city council for official action except when such member of the city council has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Guyton, Georgia" and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or by any councilmember and its caption be read aloud at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor, mayor pro tem in the absence of the mayor, or any two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an

emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three members of the city council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for public review, for purchase at a reasonable price, or reference provided to members of the public where an adopted technical code may be purchased online or elsewhere.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance or resolution and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This codification shall be known and cited officially as "The Code of the City of Guyton, Georgia." Copies of the code of ordinances shall be made available to all officers, departments, and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the city council. The foregoing requirements shall be satisfied by publishing The Code of the City of Guyton, Georgia on a publicly accessible internet website.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation

therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

City manager; appointment; qualifications; compensation.

(a) The city council shall appoint, by the affirmative vote of at least four members of the city council, an officer whose title shall be the city manager. The city manager shall be appointed without regard to political beliefs and solely on the basis of that person's executive or administrative qualifications with special reference to that person's education and experience in the accepted competencies and practices of local government management.

(b) The city manager shall be employed pursuant to an employment agreement that is negotiated by the mayor and approved by the city council and provides, among other things, that it may be terminated by the city at any time, with or without cause.

SECTION 2.28.

Removal of city manager.

The city manager may be removed from office at any time by the majority vote of city council.

SECTION 2.29.

Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform

the duties of city manager during the city manager's temporary absence or physical or mental disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

SECTION 2.30.

Powers and duties of the city manager.

The city manager shall be the chief executive officer and administrator of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief executive and administrative officer, the city manager shall:

- (1) Except as otherwise provided by law, this charter, or personnel policies or ordinances adopted pursuant to this charter, appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers. The city manager may authorize any department director or administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but the city manager may not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

- (5) Prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and
- (9) Perform other such duties as are specified in this charter or as may be required by the mayor and city council.

SECTION 2.31.

Mayor and Council interference with administration.

The city council shall act in all matters as a body and no member shall seek individually to influence the official acts of the city manager or any other officer or employee of the city, or to interfere in any way with the performance of the duties by the city manager or other officers or employees. Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the mayor and councilmembers shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager, and neither the mayor, the city council, nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 2.32.

Election of mayor; forfeiture.

The mayor shall be elected at large by the voters of the city and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of this city for 12 months prior to the date of the mayor's election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.33.

Mayor pro tempore, selection, duties.

The city council at the first regular meeting after the newly elected councilmembers have taken office following each election shall elect a councilmember to serve as mayor pro tem. The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro tem shall serve for a term of two years. The mayor pro tem shall assume the duties and powers of the mayor during the mayor's physical or mental disability, suspension from office, or absence. Any such disability of the mayor shall be declared by the affirmative vote of three councilmembers. The mayor pro tem shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter or state law. When acting as mayor, the mayor pro tem shall be entitled to vote as a member of the city council.

SECTION 2.34.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council, see that all meetings are conducted in a parliamentary manner, and preserve order and decorum in such meetings;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy and recommend such measures or policies to city council as he or she deems necessary or expedient for the health, safety, and welfare of the city and its inhabitants;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;
- (5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;
- (6) Approve or disapprove resolutions and ordinances as provided in Section 2.35 of this charter;
- (7) Perform such other duties as may be required by law, this charter, or by ordinance;
- (8) Set the agenda for meetings of the city council; provided, however, that additional items shall be added to the agenda upon the written request of any two or more councilmembers;
- (9) See that all laws, resolutions, and ordinances of the city are faithfully executed and enforced by the city manager;
- (10) In states of emergency, serve as the official spokesperson for the City; and
- (11) Perform the duties of city manager, without additional compensation, should that office be vacant for any reason.

SECTION 2.35.

Submission of ordinances to the mayor; veto power.

- (a) Every resolution or ordinance adopted by the city council shall be presented promptly by the city clerk to the mayor after its adoption.
- (b) The mayor, within ten calendar days of receipt of a resolution or ordinance, shall return it to the city clerk with or without the mayor's approval, or with the mayor's veto. If the resolution or ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the resolution or ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption by the city council; if the resolution or ordinance is vetoed, the mayor shall submit to the city council through the city clerk a written statement explaining the reason(s) for the veto. The city clerk shall record upon the resolution or ordinance the date of its delivery to and receipt from the mayor.
- (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting. If the city council then or at its next meeting adopts the resolution or ordinance over the veto by an affirmative vote of three of its members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any resolution or ordinance, except appropriations for auditing or investigating the office of mayor. The approved part or parts of any resolution or ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the city council as provided in subsection (c) of this section.
- (e) The mayor shall not have the power to veto any emergency ordinance.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

- (a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance or resolution.
- (d) There shall be a director of each department or agency who shall be its principal officer (i.e. “department head”). Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.
- (e) All directors of departments shall be subject to removal or suspension at any time by the city manager in the manner provided by the city's personnel policy and procedure manual.

SECTION 3.11.

Boards, commissions, and authorities.

- (a) The city council shall create by ordinance or resolution such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary, and shall by ordinance or resolution establish the composition, period of existence, duties, and powers thereof.
- (b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner of appointment as provided by ordinance or resolution, except where other appointing authority, term of office, or manner of appointment is prescribed by this Charter or by applicable state law.
- (c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority of the city shall hold any elective office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by law.
- (f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office.
- (g) All members of boards, commissions, or authorities serve at-will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.
- (h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or

the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 3.12.

City attorney.

(a) The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney or as required by the city council or city manager.

(b) The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the city attorney.

SECTION 3.13.

City clerk.

The city manager shall appoint a city clerk who shall not be the mayor or a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; attend meetings of the city council

and keep minutes of its proceedings at such meetings; and perform such other duties as may be required by the city council.

SECTION 3.14.

Position classification and pay plan.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, elected and appointed city officials are not city employees.

SECTION 3.15.

Personnel policies.

The city council shall adopt by ordinance or resolution a personnel policy and procedure manual. All city employees shall be governed by the city's personnel policy and procedure manual.

ARTICLE IV

MUNICIPAL COURT

SECTION 4.10.

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Guyton.

SECTION 4.11.

Chief judge; associate judge.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, pro tem, or stand-by judges as shall be provided by ordinance or resolution.
- (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless that person shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be provided for by the city council.
- (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be removed from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted. Subject to O.C.G.A. 36-32-2 et seq. or other such applicable laws as are or may hereafter be enacted, judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath, given by the mayor or the mayor's designee, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council required in Section 2.20 of this charter

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance or resolution.

SECTION 4.13.

Jurisdiction; powers.

- (a) The municipal court shall have jurisdiction and authority to try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance

of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Effingham County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

The judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

SECTION 4.16

Right to counsel.

In all cases before the municipal court, an indigent defendant shall be advised as to the right to have counsel appointed and an attorney must be provided where desired except in such cases where the judge does not wish to impose a jail term.

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Election of the city council and mayor.

(a) There shall be a municipal general election biennially in the odd years on the Tuesday next following the first Monday in November.

(b) There shall be elected the mayor and two councilmembers at one election and at every other election thereafter. The remaining city council seats shall be filled at the election alternating with the first election so that a continuing body is created. Terms shall be for four years.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.13.

Election by majority.

The person receiving a majority of the votes cast for any city office shall be elected.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 14 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term by a majority vote. In all other respects, the special election shall be held and conducted in accordance

with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

The mayor or councilmembers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating

the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and, upon approval, may require the business or practitioner to pay a regulatory fee for such permit

as provided by general law. Such fees should reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets, alleys, and other property for the purpose of railroads, street railways, telephone and cellular telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, fiber optic cable companies, internet companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets, alleys, and other property for the purposes of railroads, street railways, telephone and cellular telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, internet companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, stormwater, water, emergency, law enforcement, fire, sanitary, health services, and any other services provided and/or made available within and outside the corporate limits of the city. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.17.

Construction; other taxes and fees.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by state law.

SECTION 6.22.

Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

The city council shall set the fiscal year by ordinance or resolution. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government unless otherwise provided by state or federal law.

SECTION 6.24.

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 20 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by city council on budget.

(a) The city council may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required

by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the beginning day of each fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

SECTION 6.27.

Tax levies.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting, special, or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital budget.

(a) On or before the date fixed by the city council but no later than 20 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.24 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the beginning day of each fiscal year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied

by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.30.

Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.31.

Contracting procedures.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council minute book of proceedings pursuant to Section 2.20 of this charter.

SECTION 6.32.

Centralized purchasing.

The city council shall by ordinance or resolution prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale and lease of city property.

(a) The city council may sell and convey, or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as provided by the city council. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Existing ordinances, resolutions, rules, and regulations.

All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.12.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.13.

Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the words "may" and "should" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.
- (d) Except as specifically provided otherwise by this charter, the term:
 - (1) "city council" means the members of the city council and the mayor.
 - (2) "councilmember" means a member of the city council other than the mayor.

SECTION 7.14.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.15.

Specific repealer.

An Act incorporating the City of Guyton in the County of Effingham, approved May 5, 2006 (Ga. L. 2006, p. 4230 (Act No. 810; H.B. No. 1559)), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.16.

Effective Date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.17.

General repealer.

All other laws and parts of laws in conflict with this Act are hereby repealed.

**STATE OF GEORGIA
CITY OF GUYTON**

RESOLUTION # 2021- 12

WHEREAS, the Mayor and Council of Guyton, Georgia (the “City”), are desirous of entering into an Intergovernmental Agreement with the City Springfield, Georgia to purchase sanitary sewer capacity from the City of Springfield (the “Agreement”), a copy of which is attached hereto as Exhibit 1; and

WHEREAS, the Agreement memorializes the terms upon which the City of Guyton shall purchase sanitary sewer capacity from the City of Springfield; and

WHEREAS, the City of Guyton is desirous of entering into the Agreement because it is in the best interests of the citizenry of the City of Guyton; and

WHEREAS, the Agreement is not binding on the City until a vote by the Mayor and Council to enter into the Agreement.

NOW, THEREFORE, it is **HEREBY RESOLVED** by the governing authority of the City of Guyton, Georgia in a regular meeting assembled and pursuant to the lawful authority thereof that the Agreement is approved, and that: Hon. Russ Deen, Mayor of the City of Guyton, Georgia, is fully authorized to: (1) execute all documents necessary to memorialize the Agreement; (2) comply with the terms of the Agreement; and (3) execute all documents in conformity with the Agreement.

Adopted this ____ day of _____, 2021.

CITY OF GUYTON

Hon. Russ Deen, Mayor

ATTEST: _____
Meketa Hendricks-Brown, City Clerk

Agreement reviewed and approved as to form by City Attorney¹:

OLIVER MANER LLP

Benjamin M. Perkins, Esq.

¹ Mr. Perkins is City Attorney for Guyton and Springfield and as such has a conflict. He disclosed the conflict to both parties. Due to the conflict, he did not negotiate the terms of the Agreement, but instead wrote the Agreement based on the terms provided by the parties.

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT FOR SEWER CAPACITY

INTERGOVERNMENTAL AGREEMENT
FOR SANITARY SEWER CAPACITY

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into this _____ day of September, 2021, between the City of Springfield, Georgia (“Springfield”), a Georgia municipal corporation, and the City of Guyton, Georgia (“Guyton”), a Georgia municipal corporation (jointly, the “Cities” or “Parties”).

WHEREAS, the Parties to this Agreement are both governmental units; and

WHEREAS, the Cities desire to maintain a mutually beneficial, efficient and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

WHEREAS, Springfield is willing to assist Guyton by providing it with additional sanitary sewer capacity pursuant to the provisions set forth in this Agreement;

WHEREAS, the Cities are authorized by Art. IX, Sec. III, Par. I of the Constitution of the State of Georgia to contract for any period not exceeding fifty (50) years for the provision of facilities or services which they are authorized by law to provide, including an agreement for the provision of sanitary sewer capacity; and

NOW THEREFORE, in consideration of the foregoing recitals and of the following commitments and mutual obligations, the Cities agree as follows:

1. **Effective Date**. The Effective Date of this Agreement shall be November 1, 2021.
2. **Term**. The term of this Agreement shall be two years from the Effective Date (the “Term”). The Term may be extended only by mutual written agreement of the Parties.
3. **Costs**. Guyton shall pay the cost of purchasing and installing all infrastructure required to make the connection to send wastewater to Springfield’s sanitary sewer system (the “System”). In addition, Guyton shall pay all costs associated with delivering its wastewater to the System up to the point of the meter described in Section 6.
4. **Allowances**. Springfield agrees to provide 50,000 gallons per day (“GPD”) of sanitary sewer capacity to Guyton during the Term (such period shall be calculated based on usage from 12:00 a.m. to midnight of a calendar day). Guyton shall not deliver in excess of 350,000 gallons of wastewater to Springfield’s System in a seven-day period (such period shall be calculated based on usage from 12:00 a.m. on Monday to midnight on Sunday (hereinafter the “Weekly Allowance”) unless Springfield’s City Manager or his

designee authorizes Guyton to do so in writing. Further, Guyton shall not deliver in excess of 1,500,000 gallons of wastewater to Springfield's System in a calendar month (monthly usage shall be calculated based on usage from 12:00 a.m. on the first day of a month through midnight of the last day of the same month) (hereafter the "Monthly Allowance") unless Springfield's City Manager or his designee authorizes Guyton to do so in writing. Email shall be an acceptable form of correspondence for providing the written authorizations required in this Section.

- a. In the event Guyton exceeds the Weekly Allowance without obtaining authorization to do so from Springfield's City Manager or his designee, Guyton shall pay Springfield a penalty calculated as 1.5 times the Rate (as defined herein) for all wastewater delivered to Springfield's System in excess of the 350,000 gallon Weekly Allowance.
 - b. In the event Guyton exceeds the Monthly Allowance without obtaining authorization to do so from Springfield's City Manager or his designee, Guyton shall pay Springfield a penalty calculated as 1.5 times the Rate (as defined herein) for all wastewater delivered to Springfield's System in excess of the 1,500,000 gallon Monthly Allowance.
 - c. Guyton shall not be double-charged any penalty if it exceeds the Weekly Allowance and Monthly Allowance in the same calendar month. Instead Guyton shall pay Springfield a penalty calculated as 1.5 times the Rate for all wastewater delivered to Springfield's System that is in excess of the 1,500,000 gallon Monthly Allowance.
5. **Rate.** On a monthly basis Guyton shall pay Springfield for the sewer services provided for herein, based on usage. Usage will be determined by a meter and the rate will be the same rate Springfield charges commercial users, as that rate is specified on Springfield's fee schedule in effect at the time Springfield issues its monthly bill to Guyton (the "Rate").
 6. **Meter.** A meter believed to be capable of measuring Guyton's usage exists and has been installed. If at any time during the Term it is determined that the meter is not accurately measuring Guyton's usage, Guyton shall pay the cost of purchasing and installing a compatible meter. If Guyton must purchase and install a compatible meter, Springfield must approve the type of meter and the location of the meter. In the event either party disputes whether or not the meter is accurately measuring Guyton's usage and thus must be replaced, the dispute shall be submitted to Wesley Parker P.E. to make the determination. Mr. Parker shall review all available information and make the

determination. His determination shall be final and his fees in performing the analysis contemplated herein will be shared equally by the parties. All other disputes shall be resolved in accordance with Section 13 of this Agreement.

7. **Acknowledgement of System Limitations**. The Parties acknowledge that there may be times when Springfield's wastewater treatment plant cannot accept flows due to issues including, without limitation, malfunctions and microbial die-off. If such issues occur, Springfield shall be entitled to instruct Guyton's public works department to not deliver wastewater to Springfield until the issue is resolved. Guyton's public works department shall comply with any such instruction. Springfield shall provide as much advance notice as possible to Guyton prior to requiring Guyton to cease delivering wastewater to Springfield.

If Springfield's wastewater treatment plant reaches 85% of plant capacity, Springfield may, at its option, terminate its wastewater treatment obligations under this Agreement or reduce the Weekly and Monthly Allowance to a level that Springfield believes in its discretion will enable its plant to remain below 85% of plant capacity. If Springfield chooses to exercise either option set forth in this paragraph, it shall provide Guyton with no less than 120 days' notice before such termination or reduction is made effective.

8. **Instruction not to Deliver Wastewater**. Springfield shall be entitled to instruct Guyton's public works department to not deliver wastewater to Springfield during: (1) any calendar week when the Weekly Allowance is exceeded without written authorization by the Springfield City Manager or his designee; or (2) any calendar month when the Monthly Allowance is exceeded without written authorization by the Springfield City Manager or his designee. Guyton's public works department shall comply with any such instruction.
9. **Immunity**. It is the intent of the Parties to be covered under the auspices of any applicable immunity granted by law, and thus this Agreement shall not be construed as waiving any such immunities.
10. **Entire Agreement**. The Parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the Parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement, and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon Springfield or Guyton. All Parties must sign any subsequent changes in the Agreement.

11. **Severability**. If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature.
12. **Choice of Law and Construction**. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any party institute suit arising out of, to enforce, or concerning this Agreement, venue shall be in the Superior Court of Effingham County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all Parties have participated in the preparation hereof.
13. **Dispute Resolution**. The Parties shall resolve any dispute, controversy, or claim arising out of or relating to this Agreement, or the breach, termination, or invalidity hereof (each, a “Dispute”) under the provisions of this Section. The procedures set forth in this Section shall be the exclusive mechanism for resolving any Dispute that may arise from time to time, and constitute express conditions precedent to litigation of the Dispute.
- a. A party shall send written notice to the other party of any Dispute (“Dispute Notice”). The Parties shall first attempt in good faith to resolve any Dispute set forth in the Dispute Notice by negotiation and consultation between themselves. Email shall be an acceptable form of correspondence for providing the written authorizations required in this Section. If it becomes clear the Parties cannot resolve any dispute by negotiation, either party may initiate mediation under Subsection (b)
 - b. Subject to Subsection (a), the Parties may, at any time after having attempted in good faith to resolve any Dispute, submit the Dispute to any mutually agreed upon mediation service for mediation by providing to the mediation service a joint, written request for mediation, setting forth the subject of the dispute and the relief requested. The Parties shall cooperate with one another in selecting a mediation service, and shall cooperate with the mediation service and with one another in selecting a neutral mediator and in scheduling the mediation

proceedings. The Parties covenant that they will use commercially reasonable efforts in participating in the mediation. The Parties agree that the mediator's fees and expenses and the costs incidental to the mediation shall be shared equally between the Parties.

- c. The Parties further agree that all offers, promises, conduct, and statements, whether oral or written, made in the course of the mediation by any of the Parties, their agents, employees, experts, and attorneys, and by the mediator and any employees of the mediation service, are confidential, privileged, and inadmissible for any purpose, including impeachment, in any litigation or other proceeding involving the Parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.
- d. Subject to Subsections (a) and (b), if the Parties cannot resolve any Dispute for any reason, including, but not limited to, the failure of either party to agree to any settlement proposed by the mediator, either party may file suit in the Superior Court of Effingham County.

14. **Miscellaneous.**

- a. **Binding upon Successors.** This Agreement shall inure to the benefit of, and be binding upon, the respective Parties' successors.
- b. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.
- c. **Headings.** The headings provided herein are merely informative and have no bearing upon the interpretation of this Agreement.
- d. **Authorization to Execute Agreement.** Each of the individuals executing this Agreement on behalf of his or her respective party agrees and represents to the other party that he or she is authorized to do so and further agrees and represents that this Agreement has been duly passed upon by the required governmental agency or council in accordance with all applicable laws and spread upon the minutes thereof. The Parties hereto agree that this Agreement is an intergovernmental contract and is entered into pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia 1983.

[signatures on following page]

IN WITNESS WHEREOF, all Parties hereto have set their hands and seals the day and year first above written.

CITY OF SPRINGFIELD

By: _____
Hon. Barton Alderman, Mayor

Attest: _____
Jennifer Smith, City Clerk

Date: _____

Approved as to form:

Benjamin M. Perkins, Esq., City Attorney

CITY OF GUYTON

By: _____
Hon. Russ Deen, Mayor

Attest: _____
Meketa Hendricks-Brown, City Clerk

Date: _____

Approved as to form:

Benjamin M. Perkins, Esq., City Attorney¹

¹ Mr. Perkins is City Attorney for Guyton and Springfield and as such has a conflict. He disclosed the conflict to both parties. Due to the conflict, he did not negotiate the terms of this Agreement, but instead wrote the Agreement based on the terms provided by the parties.



October 7th, 2021

Mr. Mike Eskew
City of Guyton
310 Central Boulevard
Guyton, GA 31329

RE: Letter of Recommendation – 2021 Guyton Road Improvements (PE20142)

Dear Mr. Eskew,

As you are aware, bids were received and opened for the above referenced project on October 7th, 2021 at 11:00 AM. We have checked and tabulated the bids received. We have determined that McLendon Enterprises, Inc. is the low bidder for this project when evaluated on the basis of the base bid amount.

Since the low bidder appears to have adequate experience and technical ability to complete this project, Parker Engineering recommends the project be awarded to McLendon Enterprises, Inc. in an amount equal to the base bid amount of \$710,586.45.

We are enclosing one copy of the “Bid Tabulation” for your file. We are also enclosing a copy of the Notice of Award for this project and a sample resolution for your use. Please execute the Notice of Award and return it and the resolution to our office as soon as possible. We will prepare three (3) sets of contract documents and forward them to you when the Contractor has executed the Agreement and delivered all the necessary bonds, insurance, etc.

If you have any questions or need any additional information, please call us.

Sincerely,

A handwritten signature in blue ink that reads "Wesley Parker".

G. Wesley Parker, P.E.

encl: Bid Tabulation, Notice of Award, Resolution

CC: Mayor Russ Deen, City of Guyton

PROJECT:				BIDDERS:									
City of Guyton 2021 Guyton Road Improvements PROJECT NO.: PE20142				McLendon Enterprises, Inc. 2365 Aimwell Road Vidalia, GA 30474		RB Baker Construction 100 Morgan Industrial Boulevard Garden City, GA 31408		Sikes Brothers, Inc. 150 Aline Avenue Metter, GA 30439		Apac Atlantic, Inc. 47 Telfair Place Savannah, GA 31415		CW Matthews Contracting 1600 Kenview Drive Marietta, GA 30060	
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
ITEM 1 - Glennmore Drive													
a.	120	GL	420-1000 Bituminous Tack Coat	\$ 3.25	\$ 390.00	\$ 2.70	\$ 324.00	\$ 3.00	\$ 360.00	\$ 3.00	\$ 360.00	\$ 0.01	\$ 1.20
b.	35	SY	Remove & Replace Concrete Drives	\$ 55.00	\$ 1,925.00	\$ 166.35	\$ 5,822.25	\$ 200.00	\$ 7,000.00	\$ 167.00	\$ 5,845.00	\$ 142.00	\$ 4,970.00
c.	199	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 15,820.50	\$ 124.65	\$ 24,805.35	\$ 87.50	\$ 17,412.50	\$ 102.00	\$ 20,298.00	\$ 118.13	\$ 23,507.87
d.	0.33	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 330.00	\$ 1,000.00	\$ 330.00	\$ 900.00	\$ 297.00	\$ 1,000.00	\$ 330.00	\$ 1,000.00	\$ 330.00
e.	0.33	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 330.00	\$ 1,000.00	\$ 330.00	\$ 900.00	\$ 297.00	\$ 1,000.00	\$ 330.00	\$ 1,000.00	\$ 330.00
f.	1	LS	150-1000 Traffic Control	\$ 10,460.00	\$ 10,460.00	\$ 3,175.00	\$ 3,175.00	\$ 4,066.47	\$ 4,066.47	\$ 2,900.00	\$ 2,900.00	\$ 4,242.50	\$ 4,242.50
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 554.00	\$ 554.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 544.22	\$ 544.22
h.	17	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 153.00	\$ 9.00	\$ 153.00	\$ 15.00	\$ 255.00	\$ 9.00	\$ 153.00	\$ 9.00	\$ 153.00
i.	1	LS	Grading Complete	\$ 2,428.00	\$ 2,428.00	\$ 9,400.00	\$ 9,400.00	\$ 19,120.00	\$ 19,120.00	\$ 5,500.00	\$ 5,500.00	\$ 24,198.95	\$ 24,198.95
j.	1090	SF	Sod	\$ 4.00	\$ 4,360.00	\$ 1.46	\$ 1,591.40	\$ 4.50	\$ 4,905.00	\$ 1.00	\$ 1,090.00	\$ 5.50	\$ 5,995.00
ITEM 2 - West Central Boulevard (from Hwy 119 to Halfway Road)													
a.	1514	GL	413-1000 Bituminous Tack Coat	\$ 3.25	\$ 4,920.50	\$ 2.70	\$ 4,087.80	\$ 3.00	\$ 4,542.00	\$ 3.00	\$ 4,542.00	\$ 0.01	\$ 15.14
b.	719	TN	95 lb/SY Recycled Asphalt Concrete 12.5 mm OGI, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 87.00	\$ 62,553.00	\$ 98.95	\$ 71,145.05	\$ 92.90	\$ 66,795.10	\$ 112.00	\$ 80,528.00	\$ 103.71	\$ 74,567.49
c.	833	TN	110 lb/SY Recycled Asphalt Concrete 4.75 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 78.00	\$ 64,974.00	\$ 87.50	\$ 72,887.50	\$ 87.50	\$ 72,887.50	\$ 105.00	\$ 87,465.00	\$ 88.36	\$ 73,603.88
d.	2.46	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 2,460.00	\$ 1,000.00	\$ 2,460.00	\$ 900.00	\$ 2,214.00	\$ 1,000.00	\$ 2,460.00	\$ 1,000.00	\$ 2,460.00
e.	2.46	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 2,460.00	\$ 1,000.00	\$ 2,460.00	\$ 900.00	\$ 2,214.00	\$ 1,000.00	\$ 2,460.00	\$ 1,000.00	\$ 2,460.00
f.	1	LS	150-1000 Traffic Control	\$ 28,779.00	\$ 28,779.00	\$ 8,450.00	\$ 8,450.00	\$ 9,110.43	\$ 9,110.43	\$ 13,800.00	\$ 13,800.00	\$ 31,181.64	\$ 31,181.64
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 1,680.00	\$ 1,680.00	\$ 545.00	\$ 545.00	\$ 4,500.00	\$ 4,500.00	\$ 6,900.00	\$ 6,900.00	\$ 2,176.84	\$ 2,176.84
h.	26	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 234.00	\$ 9.00	\$ 234.00	\$ 15.00	\$ 390.00	\$ 9.00	\$ 234.00	\$ 9.00	\$ 234.00
ITEM 3 - Powell Road (from 4th Street to Brogdon Street)													
a.	402	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 1,206.00	\$ 2.70	\$ 1,085.40	\$ 3.00	\$ 1,206.00	\$ 3.00	\$ 1,206.00	\$ 0.01	\$ 4.02
b.	10	SY	4" Deep Patching	\$ 45.00	\$ 450.00	\$ 136.55	\$ 1,365.50	\$ 100.00	\$ 1,000.00	\$ 264.00	\$ 2,640.00	\$ 378.59	\$ 3,785.90
c.	131	TN	65 lb/SY Recycled Asphalt Concrete 9.5 mm Leveling, HP2 only, Incl. Bitum. Matl. And H. Lime	\$ 96.00	\$ 12,576.00	\$ 96.00	\$ 12,576.00	\$ 87.50	\$ 11,462.50	\$ 112.00	\$ 14,672.00	\$ 99.05	\$ 12,975.55
d.	332	TN	402-3103 165 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 26,394.00	\$ 96.00	\$ 31,872.00	\$ 87.50	\$ 29,050.00	\$ 95.00	\$ 31,540.00	\$ 92.65	\$ 30,759.80
e.	0.73	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 730.00	\$ 1,000.00	\$ 730.00	\$ 900.00	\$ 657.00	\$ 1,000.00	\$ 730.00	\$ 1,000.00	\$ 730.00
f.	0.73	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 730.00	\$ 1,000.00	\$ 730.00	\$ 900.00	\$ 657.00	\$ 1,000.00	\$ 730.00	\$ 1,000.00	\$ 730.00
g.	1	LS	150-1000 Traffic Control	\$ 9,633.00	\$ 9,633.00	\$ 2,350.00	\$ 2,350.00	\$ 4,013.93	\$ 4,013.93	\$ 5,100.00	\$ 5,100.00	\$ 14,258.96	\$ 14,258.96
h.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 840.00	\$ 840.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 1,088.42	\$ 1,088.42
i.	24	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 216.00	\$ 9.00	\$ 216.00	\$ 15.00	\$ 360.00	\$ 9.00	\$ 216.00	\$ 9.00	\$ 216.00
ITEM 4 - Central Boulevard (from PO to Lynn Bonds)													
a.	575	GL	413-1000 Bituminous Tack Coat	\$ 3.25	\$ 1,868.75	\$ 2.70	\$ 1,552.50	\$ 3.00	\$ 1,725.00	\$ 3.00	\$ 1,725.00	\$ 0.01	\$ 5.75
b.	273	TN	95 lb/SY Recycled Asphalt Concrete 12.5 mm OGI, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 87.00	\$ 23,751.00	\$ 97.70	\$ 26,672.10	\$ 92.90	\$ 25,361.70	\$ 115.00	\$ 31,395.00	\$ 120.47	\$ 32,888.31
c.	316	TN	110 lb/SY Recycled Asphalt Concrete 4.75 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 78.00	\$ 24,648.00	\$ 88.50	\$ 27,966.00	\$ 87.50	\$ 27,650.00	\$ 104.00	\$ 32,864.00	\$ 102.89	\$ 32,513.24
d.	0.92	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 920.00	\$ 1,000.00	\$ 920.00	\$ 900.00	\$ 828.00	\$ 1,000.00	\$ 920.00	\$ 1,000.00	\$ 920.00
e.	0.92	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 920.00	\$ 1,000.00	\$ 920.00	\$ 900.00	\$ 828.00	\$ 1,000.00	\$ 920.00	\$ 1,000.00	\$ 920.00
f.	1	LS	150-1000 Traffic Control	\$ 17,516.00	\$ 17,516.00	\$ 3,104.25	\$ 3,104.25	\$ 5,146.93	\$ 5,146.93	\$ 5,500.00	\$ 5,500.00	\$ 11,687.65	\$ 11,687.65
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 840.00	\$ 840.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 1,088.42	\$ 1,088.42
h.	20	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 180.00	\$ 9.00	\$ 180.00	\$ 15.00	\$ 300.00	\$ 9.00	\$ 180.00	\$ 9.00	\$ 180.00
ITEM 5 - Del-A-Rae Circle													
a.	550	GL	420-1000 Bituminous Tack Coat	\$ 3.00	\$ 1,650.00	\$ 2.70	\$ 1,485.00	\$ 3.00	\$ 1,650.00	\$ 3.00	\$ 1,650.00	\$ 0.01	\$ 5.50
b.	450	SY	4" Deep Patching	\$ 35.00	\$ 15,750.00	\$ 47.65	\$ 21,442.50	\$ 44.00	\$ 19,800.00	\$ 50.00	\$ 22,500.00	\$ 50.53	\$ 22,738.50
c.	908	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 72,186.00	\$ 96.30	\$ 87,440.40	\$ 87.50	\$ 79,450.00	\$ 96.00	\$ 87,168.00	\$ 85.48	\$ 77,615.84
d.	1	LS	150-1000 Traffic Control	\$ 6,298.00	\$ 6,298.00	\$ 1,300.00	\$ 1,300.00	\$ 9,631.85	\$ 9,631.85	\$ 5,400.00	\$ 5,400.00	\$ 21,552.96	\$ 21,552.96
e.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 1,680.00	\$ 1,680.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 2,176.84	\$ 2,176.84
f.	19	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 171.00	\$ 9.00	\$ 171.00	\$ 15.00	\$ 285.00	\$ 9.00	\$ 171.00	\$ 9.00	\$ 171.00
ITEM 6 - Brogdon Road (from Magnolia Street to City Limits)													
a.	1201	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 3,603.00	\$ 2.70	\$ 3,242.70	\$ 3.00	\$ 3,603.00	\$ 3.00	\$ 3,603.00	\$ 0.01	\$ 12.01
b.	571	TN	95 lb/SY Recycled Asphalt Concrete 12.5 mm OGI, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 87.00	\$ 49,677.00	\$ 105.65	\$ 60,326.15	\$ 92.90	\$ 53,045.90	\$ 115.00	\$ 65,665.00	\$ 99.54	\$ 56,837.34
c.	661	TN	110 lb/SY Recycled Asphalt Concrete 4.75 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 78.00	\$ 51,558.00	\$ 96.46	\$ 63,760.06	\$ 87.50	\$ 57,837.50	\$ 103.00	\$ 68,083.00	\$ 84.75	\$ 56,019.75
d.	1.77	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 1,770.00	\$ 1,000.00	\$ 1,770.00	\$ 900.00	\$ 1,593.00	\$ 1,000.00	\$ 1,770.00	\$ 1,000.00	\$ 1,770.00
e.	1.77	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 1,770.00	\$ 1,000.00	\$ 1,770.00	\$ 900.00	\$ 1,593.00	\$ 1,000.00	\$ 1,770.00	\$ 1,000.00	\$ 1,770.00
f.	1	LS	150-1000 Traffic Control	\$ 15,795.00	\$ 15,795.00	\$ 4,450.00	\$ 4,450.00	\$ 6,768.67	\$ 6,768.67	\$ 9,200.00	\$ 9,200.00	\$ 23,577.01	\$ 23,577.01
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 1,680.00	\$ 1,680.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 2,176.84	\$ 2,176.84
h.	13	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 117.00	\$ 9.00	\$ 117.00	\$ 15.00	\$ 195.00	\$ 9.00	\$ 117.00	\$ 9.00	\$ 117.00

PROJECT:				BIDDERS:									
City of Guyton 2021 Guyton Road Improvements PROJECT NO.: PE20142				McLendon Enterprises, Inc. 2365 Aimwell Road Vidalia, GA 30474		RB Baker Construction 100 Morgan Industrial Boulevard Garden City, GA 31408		Sikes Brothers, Inc. 150 Aline Avenue Metter, GA 30439		Apac Atlantic, Inc. 47 Telfair Place Savannah, GA 31415		CW Matthews Contracting 1600 Kenview Drive Marietta, GA 30060	
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
ITEM 7 - Lynn Bonds Road (from Hwy. 17 to Church Street)													
a.	154	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 462.00	\$ 2.70	\$ 415.80	\$ 3.00	\$ 462.00	\$ 3.00	\$ 462.00	\$ 0.01	\$ 1.54
b.	2806	SY	Asphalt Milling, 8' Wide	\$ 3.20	\$ 8,979.20	\$ 5.70	\$ 15,994.20	\$ 3.50	\$ 9,821.00	\$ 3.30	\$ 9,259.80	\$ 5.74	\$ 16,106.44
c.	255	TN	402-3103 165 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 20,272.50	\$ 88.10	\$ 22,465.50	\$ 87.50	\$ 22,312.50	\$ 98.00	\$ 24,990.00	\$ 112.33	\$ 28,644.15
d.	0.38	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 380.00	\$ 1,000.00	\$ 380.00	\$ 900.00	\$ 342.00	\$ 1,000.00	\$ 380.00	\$ 1,000.00	\$ 380.00
e.	0.39	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 390.00	\$ 1,000.00	\$ 390.00	\$ 900.00	\$ 351.00	\$ 1,000.00	\$ 390.00	\$ 1,000.00	\$ 390.00
f.	1	LS	150-1000 Traffic Control	\$ 4,914.00	\$ 4,914.00	\$ 3,150.99	\$ 3,150.99	\$ 4,924.44	\$ 4,924.44	\$ 3,000.00	\$ 3,000.00	\$ 9,399.06	\$ 9,399.06
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 160.00	\$ 160.00	\$ 0.01	\$ 0.01	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 1.00	\$ 1.00
h.	3	EA	Adjusting Manhole for Paving	\$ 750.00	\$ 2,250.00	\$ 410.00	\$ 1,230.00	\$ 150.00	\$ 450.00	\$ 760.00	\$ 2,280.00	\$ 800.00	\$ 2,400.00
i.	3	EA	Adjusting Valve for Paving	\$ 371.00	\$ 1,113.00	\$ 290.00	\$ 870.00	\$ 100.00	\$ 300.00	\$ 760.00	\$ 2,280.00	\$ 500.00	\$ 1,500.00
j.	27	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 243.00	\$ 9.00	\$ 243.00	\$ 15.00	\$ 405.00	\$ 9.00	\$ 243.00	\$ 9.00	\$ 243.00
ITEM 8 - Dilmus Jackson Street (from Macedonia Street to Cherry Street)													
a.	351	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 1,053.00	\$ 2.70	\$ 947.70	\$ 3.00	\$ 1,053.00	\$ 3.00	\$ 1,053.00	\$ 0.01	\$ 3.51
b.	579	TN	402-3103 165 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 46,030.50	\$ 96.00	\$ 55,584.00	\$ 87.50	\$ 50,662.50	\$ 96.00	\$ 55,584.00	\$ 87.19	\$ 50,483.01
c.	1.02	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 1,020.00	\$ 1,000.00	\$ 1,020.00	\$ 900.00	\$ 918.00	\$ 1,000.00	\$ 1,020.00	\$ 1,000.00	\$ 1,020.00
d.	1.02	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 1,020.00	\$ 1,000.00	\$ 1,020.00	\$ 900.00	\$ 918.00	\$ 1,000.00	\$ 1,020.00	\$ 1,000.00	\$ 1,020.00
e.	1	LS	150-1000 Traffic Control	\$ 8,333.00	\$ 8,333.00	\$ 2,800.00	\$ 2,800.00	\$ 5,130.87	\$ 5,130.87	\$ 4,600.00	\$ 4,600.00	\$ 10,982.63	\$ 10,982.63
f.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 840.00	\$ 840.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 1,088.42	\$ 1,088.42
g.	1	EA	Adjusting Manhole for Paving	\$ 750.00	\$ 750.00	\$ 410.00	\$ 410.00	\$ 150.00	\$ 150.00	\$ 760.00	\$ 760.00	\$ 800.00	\$ 800.00
h.	2	EA	Adjusting Valve for Paving	\$ 371.00	\$ 742.00	\$ 290.00	\$ 580.00	\$ 100.00	\$ 200.00	\$ 760.00	\$ 1,520.00	\$ 500.00	\$ 1,000.00
i.	79	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 711.00	\$ 9.00	\$ 711.00	\$ 15.00	\$ 1,185.00	\$ 9.00	\$ 711.00	\$ 9.00	\$ 711.00
ITEM 9 - Cherry Street (from Samuel Smalls Street to Brogdon Road)													
a.	205	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 615.00	\$ 2.70	\$ 553.50	\$ 3.00	\$ 615.00	\$ 3.00	\$ 615.00	\$ 0.01	\$ 2.05
b.	339	TN	402-3103 165 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 26,950.50	\$ 96.00	\$ 32,544.00	\$ 87.50	\$ 29,662.50	\$ 95.00	\$ 32,205.00	\$ 105.36	\$ 35,717.04
c.	0.61	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 610.00	\$ 1,000.00	\$ 610.00	\$ 900.00	\$ 549.00	\$ 1,000.00	\$ 610.00	\$ 1,000.00	\$ 610.00
d.	0.61	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 610.00	\$ 1,000.00	\$ 610.00	\$ 900.00	\$ 549.00	\$ 1,000.00	\$ 610.00	\$ 1,000.00	\$ 610.00
e.	1	LS	150-1000 Traffic Control	\$ 6,150.00	\$ 6,150.00	\$ 2,300.00	\$ 2,300.00	\$ 3,887.81	\$ 3,887.81	\$ 2,800.00	\$ 2,800.00	\$ 5,933.63	\$ 5,933.63
f.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 840.00	\$ 840.00	\$ 545.00	\$ 545.00	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 1,088.42	\$ 1,088.42
g.	27	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 243.00	\$ 9.00	\$ 243.00	\$ 15.00	\$ 405.00	\$ 9.00	\$ 243.00	\$ 9.00	\$ 243.00
ITEM 10 - Jasmine Drive													
a.	126	GL	413-1000 Bituminous Tack Coat	\$ 3.00	\$ 378.00	\$ 2.70	\$ 340.20	\$ 3.00	\$ 378.00	\$ 3.00	\$ 378.00	\$ 0.01	\$ 1.26
b.	208	TN	402-3103 165 lb/SY Recycled Asphalt Concrete 9.5 mm Superpave, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 79.50	\$ 16,536.00	\$ 96.35	\$ 20,040.80	\$ 87.50	\$ 18,200.00	\$ 102.00	\$ 21,216.00	\$ 124.95	\$ 25,989.60
c.	0.35	LM	652-2502 Solid Traffic Stripe, 5" Yellow	\$ 1,000.00	\$ 350.00	\$ 1,000.00	\$ 350.00	\$ 900.00	\$ 315.00	\$ 1,000.00	\$ 350.00	\$ 1,000.00	\$ 350.00
d.	0.35	LM	652-2501 Solid Traffic Stripe, 5" White	\$ 1,000.00	\$ 350.00	\$ 1,000.00	\$ 350.00	\$ 900.00	\$ 315.00	\$ 1,000.00	\$ 350.00	\$ 1,000.00	\$ 350.00
e.	1	LS	150-1000 Traffic Control	\$ 4,228.00	\$ 4,228.00	\$ 1,950.00	\$ 1,950.00	\$ 3,766.88	\$ 3,766.88	\$ 2,400.00	\$ 2,400.00	\$ 3,853.33	\$ 3,853.33
f.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 840.00	\$ 840.00	\$ 1,100.00	\$ 1,100.00	\$ 3,500.00	\$ 3,500.00	\$ 2,300.00	\$ 2,300.00	\$ 544.22	\$ 544.22
g.	32	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 288.00	\$ 9.00	\$ 288.00	\$ 15.00	\$ 480.00	\$ 9.00	\$ 288.00	\$ 9.00	\$ 288.00
TOTAL BASE BID				\$	710,586.45	\$	741,021.61	\$	752,273.48	\$	833,747.80	\$	864,018.65
BID TOTAL SUPPLIED BY CONTRACTOR				\$	710,586.45	\$	741,015.00	\$	752,273.45	\$	833,751.10	\$	864,018.65

*Contractor errors in red.

I hereby certify that this Bid Tabulation is a true and accurate representation of all Bids received on October 7th, 2021 at 11:00 AM.


 Lindsey Bashlor, Partner Engineering, LLC

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

2021 GUYTON ROAD IMPROVEMENTS

The OWNER has considered the BID submitted by you on October 7th, 2021 for the above-described WORK in response to its Advertisement for Bids and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of Seven hundred ten thousand five hundred eighty-six dollars and forty-five cents. (\$710,586.45)

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance BOND, Payment BOND, and Certificates of Insurance within fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this _____ day of _____, 20__.

CITY OF GUYTON

Signature

By: Mike Eskew
Title: City Manager

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged this ____ day of _____, 20__.

Signature

By: _____

Title: _____

**STATE OF GEORGIA
CITY OF GUYTON**

RESOLUTION #2021-13

WHEREAS bids were received by the City of Guyton on October 7th, 2021 for the **2021 Guyton Road Improvements** project, and

WHEREAS the low responsible, responsive bidder is **McLendon Enterprises, Inc. of Vidalia, Georgia** with a bid in the amount of **\$710,586.45**; and

WHEREAS the low bidder, **McLendon Enterprises, Inc. of Vidalia, Georgia** appears to have the necessary financial and technical ability to complete the project, and

BE IT THEREFORE resolved the City of Guyton hereby makes contract award of the construction contract to **McLendon Enterprises, Inc.** in the amount of **\$710,586.45**. This Award is subject to the County's approval of the contract documents.

THIS RESOLUTION was passed by a vote of _____ to _____ at a City Council Meeting held on _____.

CITY OF GUYTON

Russ Deen, Mayor

Attest: _____