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ARTICLE I

Establishment of Departments and Offices Under the County Manager

The following departments and offices are hereby established. The County Manager shall be responsible for staffing, directing, and managing each department pursuant to the provisions of Chapter 1 of this Code and applicable State law: (Amended May 11, 2007)

1. County Manager's Office
2. Building Safety and Regulatory Services Department
3. Counter Narcotics Team
4. Engineering Department
5. Finance Department
6. Human Resources and Services Department
7. Information and Communications Services Department
8. Internal Audit Department
9. Mosquito Control Department
10. Police Department
11. Public Works and Park Services Department

ARTICLE II

Law Enforcement

§4-201 Powers and Functions of Department.

1. The Police Department shall have the power and its duty shall be to preserve the public peace; prevent and detect crime; apprehend criminals; protect persons and property; enforce the laws of the United States and the State of Georgia, the ordinances and resolutions of the Chatham County Commissioners and rules and regulations made pursuant to those laws, ordinances and resolutions; and to perform such other duties as may be required by this Code.
2. The Chatham County police are vested with all the powers and charged with all the duties with respect to the administration and enforcement of law which may now or hereafter be placed upon police and law enforcement officers of counties and municipal corporations. All the functions and powers vested by this Article shall apply throughout the unincorporated areas of Chatham County.

§4-202 Chief of Police; Powers and Duties. The Police Department shall be under the supervision and control of the chief of police and/or the county manager, who shall appoint and remove all officers and employees of the department in accordance with civil service regulations and who shall be responsible for the management of the several divisions of the department. The chief of police shall have the power to make rules and regulations consistent with law for the conduct of the affairs of the department. The chief shall be responsible for the performance of these duties.

§4-203 Report of Injuries, Wounds, Drug Use, etc.

1. The management of any hospital or any doctor or druggist in Chatham County shall file a report with the Chatham County Police Department within four (4) hours, of the name and nature of the case of any person brought under its or his care who is suffering from a wound or wounds of any description that may have been inflicted by firearms, knife or other instrument, or any person who is the victim or any accident who might come under its or his care whose case is of a suspicious nature where said injury or accident or wound happened in Chatham County beyond the corporate limits of any municipality therein. (#123, 8/8/58)
2. Where there is evidence or reason to believe that said injury or accident or wound happened within the corporate limits of any municipality within Chatham County, said doctor or

druggist shall file said report with the Chief of Police of such municipality. Where there is evidence or reason to believe that said injury or accident or wound happened in a county other than Chatham County, said doctor or druggist shall file said report with the Police Department of said other county.

3. The management of any hospital, any doctor, or any druggist in Chatham County shall file a report with the Chatham County Police Department within four (4) hours, of the name and nature of any person brought under its or his care for treatment of an overdose of any narcotic or addictive drug likely to have been obtained from illegal sources.
4. Where there is evidence or reason to believe that said injury, accident, wound, drug overdose or addiction happened within the corporate limits of any municipality within Chatham County, said management of any hospital, any doctor, or any druggist shall file said report with the Chief of Police of such municipality. Where there is evidence or reason to believe that said injury, accident, wound, drug overdose, or addiction happened in a county other than Chatham County, said management of any hospital, any doctor, or any druggist shall file said report with the Police Department of said other county. (No. 534, 3/7/75 as amended by No. 536, 4/4/75, Par. 1)

§4-204 Resisting an Officer. It shall be unlawful for any person to resist, oppose or molest any member of the Chatham County Police Department while in the discharge of his duties. (#147, 3/23/62)

ARTICLE III

Article III was replaced in its entirety and adopted on December 21, 2012.

Emergency Management

Section 1 Emergency Management and Response Powers

§4-301 Statutory Authorization. The General Assembly of the State of Georgia, in the Official Code of Georgia Annotated, Title 38, Chapter 3 - Emergency Management ("Georgia Emergency Management Act of 1981," as amended, authorizes and directs each County to establish a local organization for emergency management in accordance with the State Emergency Management Plan and Program; and in the Georgia Constitution, Article 9, Section II, Paragraph 1, Home Rule for Counties, delegates the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Chatham County, Georgia, acting under the authority granted to it by the Georgia Emergency Management Act of 1981 and its Enabling Act, Georgia Laws 1984, pp. 5050-5076, as amended, does ordain and enact into law the following emergency management ordinance:

§4-302 Title and Jurisdiction. This Emergency Management Ordinance shall apply to Chatham County, Georgia in its entirety. The Chatham Emergency Management Agency is the only such agency approved by the Chatham County Commission for coordinating emergency management functions, and therefore, this Ordinance shall serve all of the municipalities and the unincorporated area of Chatham County.

§4-303 Georgia Emergency Management Act of 1981. The provisions of the Georgia Emergency Management Act of 1981 are incorporated herein by reference.

§4-304 Purpose and Objectives.

1. General. Because of the existing and increasing possibility of the occurrence of emergencies or disasters resulting from technological or natural causes, and in order to ensure that preparations of this County will be adequate to deal with such emergencies or disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of Chatham County, it is found and declared to be necessary:

a. To create a Chatham Emergency Management Agency (CEMA);

- b. To confer upon the Chairman of the Chatham County Commission or the Chairman's designee the emergency powers provided in the Official Code of Georgia, Title 38, Chapter 3;
 - c. To provide for the rendering of mutual aid among the political subdivisions of Chatham County, with other counties, and with the State and Federal governments with respect to the carrying out of emergency management functions; and
 - d. To authorize the taking of such steps as are necessary and appropriate to carry out the requirements of the Official Code of Georgia, Title 38, Chapter 3.
2. Coordination. It is further declared to be the purpose of this Ordinance and the policy of Chatham County that all emergency management functions of the County be coordinated to the maximum extent possible with the comparable functions of the State and Federal governments, including their various departments and agencies, of other counties, states, and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any emergency or disaster that may occur.

§4-305 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The words "shall," "will," and "must" are mandatory and not discretionary. The word "may" is permissive. As used in this Ordinance, the term:

1. Chatham County Emergency and Disaster Operations Plan means the officially adopted, and Georgia Emergency Management Agency approved, emergency operations plan for Chatham County, Georgia.
2. Declaration of Local Emergency means the condition declared by the Chairman of the County Commission when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency in any part of the County is of sufficient severity and magnitude to warrant extraordinary assistance by the County to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

3. Disaster means any happening that causes great harm or damage.
4. Emergency means any extraordinary condition in which there exists the threat or actual occurrence of a disaster or event, including an energy emergency as defined in the Georgia Emergency Management Act and any amendments thereto, which may result in the large scale loss of life, injury, property damage or destruction, or in the major disruption of routine community affairs or business and government operations, and is of sufficient severity and magnitude to warrant extraordinary assistance by CEMA and other Chatham County departments and other agencies to supplement the efforts of available public and private resources.
5. Emergency Interim Successor means a person designated pursuant to this Ordinance, in the event an officer is unavailable to exercise the powers and discharge the duties of an office, until a successor is appointed or elected and qualified as may be prescribed by the Constitution, statutes, laws, charters, and ordinances of the State and its political subdivisions, or until the lawful incumbent or the successor is able to resume the exercise of the powers and the discharge of the duties of the office.
6. Emergency Management means the preparation for, and the carrying out of, all emergency and disaster functions, as more fully defined by this Ordinance.
7. Emergency Standing Operating Procedures (SOP) means the standing operating procedures developed by each emergency response unit for the purpose of preplanning the unit's response to a request for emergency assistance.
8. Energy Emergency means a condition of danger to the health, safety, welfare, or economic well-being of the citizens of this County arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of this County resulting from the operation of any electrical power-generating facility, the transport of any energy resource by any means whatsoever, or the production, use, or disposal of any source material, special nuclear material, or by-product, as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011 et seq.; also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring within or outside this State, substantially affecting the health, safety, or welfare of the citizens of this County.
9. Energy Resources means all forms of energy or power including, without limitation to, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms

and from all sources; and other fuels of any description, except wood.

10. Natural Disaster means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe which causes, or which may cause, substantial damage or injury to civilian property or persons.
11. Political Subdivision means cities, counties, towns, villages, authorities, and any other bodies created by the State and exercising any of the governmental powers of the State.
12. State of Emergency means the condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency in any part of the State is of sufficient severity and magnitude to warrant extraordinary assistance by the State to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
13. Technological or Human-Caused Disasters mean the application of one or more modes of harmful force to the environment. These include but are not limited to contamination (as in the case of chemical, biological, radiological, or nuclear hazards), energy (explosives, arson, and even electromagnetic waves), or failure or denial of service (sabotage, infrastructure breakdown, and service disruption) including theft or disruption of cyber networks and transportation media.
14. Unavailable means either that a vacancy in an office exists as the result of any emergency as defined in this Section and there is no deputy or other successors authorized to exercise all of the powers and discharge all of the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

§4-306 Emergency Management

1. Emergency Management Function Defined. Emergency Management means the preparation for, and the carrying out of, all emergency and disaster functions other than those functions for which military forces or other State and Federal agencies are primarily responsible to prevent, minimize, and repair

damage resulting from emergencies or disasters, or the imminent threat thereof, of technological or natural origin. These functions include, without limitation to, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, restoration of public utility services, and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

2. Emergency Management Concept of Operations.

- a. Planning and preparation for an emergency is an ongoing activity that is funded, staffed and managed on a countywide basis by Chatham County through the CEMA. Funding for CEMA is appropriated annually by the County Commission with supplementary Federal funding made available through the State from the Office of Homeland Security. CEMA's mission is to create the highest possible state of emergency readiness and to be prepared to react promptly to save lives and property in the County and any of its municipalities when threatened or affected by an emergency or major disaster.
- b. In accordance with State and Federal guidelines, CEMA is responsible for the preparation of the County Emergency Operations Plan based on the principle that local authorities bear the initial responsibility for emergency preparedness and disaster relief. Each level of government accomplishes the functions for which it is responsible, requesting assistance from the next higher level of government only after resources at the requesting level have been expended or are clearly inadequate to cope with the effects of the emergency or disaster.

§4-307 Office of the Chatham Emergency Management Director.

There is hereby established the CEMA Office that shall perform emergency management functions countywide. The Chairman of the Chatham County Commission shall nominate to the State Director of the Office of Homeland Security/Georgia Emergency Management Agency for appointment by the Governor, a Director of Emergency Management for the entire County of Chatham. When appointed, the Director is charged with the following duties:

1. To represent the governing officials of Chatham County and its municipalities on matters pertaining to emergency management;

2. To assist County and municipal officials in organizing County and municipal departments for emergency operations;
3. To assist municipal and County department officials and directors with the development of "Emergency Standing Operating Procedures (SOP)" for each of the local governmental, private, or volunteer organizations that will be responding to the emergency. Each organization must develop its own emergency response plan with CEMA assistance, and it shall be closely coordinated with CEMA's Chatham County Emergency and Disaster Operations Plan that is the overall coordination plan;
4. To develop in conjunction with municipal and County departments and agencies, the Chatham County Emergency Operation Plan for emergency functions as defined in this Ordinance. The Plan will be in consonance with the State Operations Plan, and shall be submitted to the governing officials of Chatham County and its municipalities for approval, and thence to the State Office of Homeland Security/Georgia Emergency Management Agency Director for approval;
5. To maintain CEMA at the highest possible state of emergency/readiness as defined herein, and carry out the day-to-day administration of the County Emergency Management Program, including the submission of required reports to the State Office of Homeland Security/Georgia Emergency Management Agency;
6. To submit reports and plans as required by Federal, State, and local authorities in keeping with good management practices (e.g. financial, management activities, etc.);
7. To operate and manage a facility to be used as the Chatham Emergency Operations Center (EOC); and
8. To coordinate the activities of the Chatham EOC staff during periods of activation and/or emergency.

§4-308 CEMA and Emergency Operations Plan.

1. CEMA.
 - a. CEMA is responsible for assisting municipal, County, private and volunteer organizations, agencies, or departments participate in the emergency management program, with the development of simple, workable, and understandable emergency Standard Operating Procedures (SOPs). The purpose of having such SOPs is to ensure that the emergency response unit (department, agency, etc.) is organized and knows exactly

what, when, and how it is to accomplish its emergency response function.

- b. The Director of CEMA shall have responsibility for the organization, administration, and operation of the local organization for emergency management, subject to the direction and control of the County Commission Chairman and County Manager or their designee. Because CEMA is a countywide organization that coordinates the activities of each municipal and County department or agency, each local government retains authority over its own staff and equipment resources but subordinates itself to the overall coordination and direction of CEMA during an emergency. The extent of the participation of each local government during an emergency is determined in advance by the Emergency Operations Plan.
- c. The Director is responsible for ensuring that all of the duties and responsibilities assigned to CEMA by the "Georgia Emergency Management Act of 1981" are fulfilled to the highest degree possible given the resources provided for CEMA, including the specific duties listed in this Ordinance.

2. The Emergency Operations Plan.

- a. CEMA shall develop and periodically update the County Emergency Operations Plan (EOP) for the purpose of establishing policies, procedures, programs, and projects to implement this Ordinance and enable the County and municipal governments to respond to natural and technological emergency situations.
- b. The Director of CEMA is responsible for the development, execution, and coordination of the Chatham County EOP. This Plan shall be developed in close coordination with the State Office of Homeland Security/Georgia Emergency Management Agency. It shall also be based on recommended principles and practices promulgated by the Federal Department of Homeland Security and other recognized emergency and disaster preparedness agencies and organizations.
- c. The Plan shall be submitted to the Chatham County Manager, Municipal Government Managers, and Georgia Office of Homeland Security/Georgia Emergency Management Agency for review, comment, and recommendation to the Chatham County Commission and the Municipal Councils. The Plan shall be adopted by the County Commission and Municipal Councils by resolution and may be changed and updated periodically by resolution.

- d. Activation of the Chatham County EOP. The Chatham County EOP shall become operative as follows:
- (1) Automatically by the declaration of a "State of Emergency" by the Governor of the State of Georgia as either a state-wide, regional, or local area emergency or emergency alert; or
 - (2) Automatically by the Declaration of Local Emergency by the Chairman or Vice Chairman of the Chatham County Board of Commissioners.
 - (3) On order of the CEMA Director provided that the existence or threatened existence of a local emergency has been declared by the Governor; or that the Director is acting as the designee of the Chairman of the County Commission.
 - (a) The CEMA Director is hereby authorized to order the mobilization of any appropriate emergency response organization, or any portion thereof, as required to provide for increased readiness in the event of the threatened existence of an emergency prior to the activation of the Chatham County EOP.
 - (b) The CEMA Director is further authorized to order the activation of the full Chatham County EOP and all emergency response organizations in the event that an emergency has already occurred but neither the County Commission Chairman nor his successor are available, nor can they be communicated with in a timely fashion; or, upon the request of the Mayor, legally appointed successor, or the governing body of any Chatham County municipality or adjacent local government experiencing an emergency or disaster within their jurisdiction.

§4-309 Role of Chatham County and Municipal Governments during Non-Emergency Periods

1. General Powers and Duties of Local Governments.

- a. It is the duty of government to provide for the public health, safety, and welfare of its citizens by making provisions for emergencies and disasters that may occur at some future date. Chatham County is authorized and empowered by the Georgia Emergency Management Act of 1981, as amended, to make, amend, and rescind such

orders, rules, and regulations as may be necessary for emergency management purposes. All such orders, rules, and regulations must be consistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.

- b. All orders, rules, and regulations so promulgated shall have the full force and effect of law when a copy thereof is filed in the office of the Clerk of the County Commission or the appropriate municipal clerk's office. Laws, ordinances, rules, and regulations inconsistent with the Georgia Emergency Management Act of 1981, or with any order, rule, or regulation issued under the authority of the Georgia Emergency Management Act of 1981 or this Ordinance shall be suspended during a Declaration of Local Emergency to the extent that the conflict exists.
- c. In order to attain uniformity so far as practicable throughout the United States in measures taken to aid emergency management, all actions taken under the authority of the Georgia Emergency Management Act of 1981 and this Ordinance and all orders, rules, and regulations made pursuant thereto shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations, and requests.

- 2. Responsibility of Chatham County Departments and Agencies and Municipalities to Develop Emergency SOPs. Each municipality and County department official is responsible for the development of an appropriate response plan or emergency SOP for each response unit. Each response organization must develop its own emergency SOP with CEMA assistance in order to ensure that it is closely coordinated with the Chatham County EOP that is the overall, State approved county-wide coordination plan. The purpose of an emergency SOP is to ensure that the emergency response unit is organized and knows exactly what, when, and how it is to accomplish its emergency response function. Each emergency SOP must be submitted to the local governing body for approval. It is the CEMA Director's responsibility to, as requested and or required, assist emergency response units develop an acceptable emergency SOP document.

§4-310 Emergency Management and Response Powers.

- 1. Declaration of Local Emergency.

- a. Grant of Authority. In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Chair of the Board of Commissioners may declare a local emergency for Chatham County. The form of the declaration shall be similar to that provided by this Code section.
- b. Request for State Assistance. Consistent with a Declaration of Local Emergency, the Chair may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
- c. Continuance. The Declaration of Local Emergency shall continue until the Chair finds that emergency conditions no longer exist, at which time, the Chair shall execute and file with the Clerk of the Board of Commissioners a document marking the end of the Declaration of Local Emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Chair. The Board of Commissioners may, by resolution, end a Declaration of Local Emergency at any time.
- d. Effect of Declaration of Local Emergency.
 - (1) Activation of the EOP. A declaration of emergency by the Governor or a declaration of local emergency by the Chair shall automatically activate the county EOP and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.
 - (a) The CEMA Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency management agency, including the

implementation of the EOP, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.

- (b) In responding and conducting necessary and appropriate investigations, the Director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting sites involved with emergency management functions. The Director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the County; however, any such document shall be later presented for ratification at a meeting of the Board of Commissioners.
 - (c) No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of inspection, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.
- (2) Emergency Powers. Following a Declaration of Local Emergency and during the continuance of such Declaration, the Chair is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the Chair may cause to become effective any of the following sections of this chapter as appropriate as well as any other emergency powers conferred upon the County Commission Chairman by law. If any of these sections are included in a Declaration of Local Emergency, the same shall be filed in the Office of the Clerk of the Board of Commissioners and shall be in effect until the Declaration of Local Emergency has terminated.
 - (3) Authority to Waive Procedures and Fees. Pursuant to a Declaration of Local Emergency, the Board of Commissioners is authorized to cause to be effective any of the subsections of this Article as

appropriate. The implementation of such subsections shall be filed in the Office of the Clerk of the Board of Commissioners.

- (4) Additional Emergency Powers. The Chair of the Board of Commissioners shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
- (a) To enforce all laws, rules, and regulations relating to emergency management and to assume direct operational control of all civil forces and helpers in the County;
 - (b) To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
 - (c) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
 - (d) To prescribe routes, modes of transportation and destinations in connection with evacuation;
 - (e) To suspend or limit the sale, dispensing or transportation of alcoholic beverages;
 - (f) To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters;
 - (g) To transfer the direction, personnel or functions of any county departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (h) To utilize all available resources of the County and subordinate agencies over which the County has budgetary control as reasonably necessary to cope with the emergency or disaster; to include but not be limited to the County's State of Local Emergency Compensation Policy;

- (i) To suspend any law, code provision or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;
- (j) To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;
- (k) To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during and following a major disaster or emergency;
- (l) To conduct the affairs and business of the county at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the Board of Commissioners shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

- (m) To contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91- 22(e).
- (n) To suspend the purchasing ordinances, regulations or policies. County officials shall continue to seek to obtain the best prices during the State of Local Emergency.
- (o) To temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.
- (p) To coordinate the exercise of the above emergency powers within Chatham County, including municipalities through CEMA.

2. Form of Declaration of Local Emergency. Upon the Declaration of Local Emergency, an official "Declaration of Local Emergency," in substantially the same form set forth in Appendix 1, shall be signed and filed in the Office of the County Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this Article which shall be in effect. All emergency powers permitted under the state statutes contained in O.C.G.A. §38-3-27 et seq., and as set forth in section 4-310(d) of the Chatham County Ordinance regarding Emergency Management, shall be in full force and effect during the declaration of local emergency and shall be implemented as needed to address any emergency or disaster.

§4-311 (incorrect numbering. 311 was omitted.)

§4-312 Overcharging Prohibited. In order to preserve, protect or sustain the life, health or safety of persons, or their property, within an area in the unincorporated area of Chatham County designated in a declaration of emergency, it shall be unlawful, during the duration of the emergency or subsequent recovery period, for any person, firm or corporation located or doing business in the unincorporated area of Chatham County to overcharge for any goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, sold or rented, within Chatham County.

1. Definitions.

a. Overcharging means charging prices for goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, which are in excess of the customary charges by 25% or, inapplicable cases, in excess of the suppliers' or providers' costs for such goods, materials, foods, equipment, supplies, services, labor, motel rooms, temporary lodging or houses, by 25%. The existence of overcharging shall be presumed from a 25% increase in the price at which the merchandise or rate, fee, cost/rental of housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in cost to the supplier directly attributable to the higher cost of material, supplies and labor costs resulting from the emergency.

b. Subsequent Recovery Period means that period during which the emergency continues to cause disruptions in the area designated in the Declaration of Local Emergency, but shall not exceed six months after the Declaration of Local Emergency has been terminated.

2. This section shall become effective only upon the signing of a Declaration of Local Emergency and the signing of a declaration stating that it is in effect.

§4-313 Zoning Regulations Suspended.

1. In order to preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within an area in Chatham County designated in a Declaration of Local Emergency, temporary mobile/ manufactured/ industrialized homes, travel trailers, recreational vehicles, campers or mobile/manufactured/industrialized home parks, campgrounds or other living areas may be located on property approved by the Chatham County Board of Commissioners in any zoning district.

The parks, campgrounds or other living areas shall be designed by an engineer and plans shall be approved by the Chatham County Health Department, Engineering Department and Public Works Department, and the Building Safety and Regulatory Services Department. Permits may be issued by the Building Safety and Regulatory Services Department to establish temporary mobile/manufactured/industrialized homes or mobile/manufactured/industrialized home parks for a period not to exceed 18 months. Such approval may only be extended by the Chatham County Board of Commissioners beyond eighteen months after a public hearing and a demonstrated finding of necessity on behalf of the Chatham County Board of Commissioners. Except as provided herein, the Chatham County Zoning Ordinance shall remain in full force and effect.

2. This section shall become effective only upon the signing of a Declaration of Local Emergency and the signing of a declaration stating that it is in effect.

§4-314 Emergency Business License.

1. Before conducting any business within an area in the unincorporated area of Chatham County designated in a Declaration of Local Emergency, a business license shall be obtained and posted at the work site. Said business license shall expire at the end of 12 months. The cost of the emergency business license shall be equal to the cost for a license issued under current regulations for the business conducted.
2. Applicants shall provide the following information when applying for a temporary business license:
 - a. Name of applicant;
 - b. Permanent address and telephone number of applicant;
 - c. Local address and telephone number of applicant;
 - d. Applicant's date of birth and age, if an individual;
 - e. Applicant's Social Security Number or Federal Employer Identification Number;
 - f. If applicant is a corporation, the state and date of incorporation;
 - g. Tag registration for each vehicle to be used in the business;
 - h. List of cities where business has been conducted by the applicant within the past 12 months;

- i. Georgia Sales Tax number or authorization;
- j. Georgia State Business License number, if required;
3. The temporary business license application shall be signed under oath by the applicant.
4. This section shall become effective only upon the signing of a Declaration of Local Emergency and the signing of a declaration stating that it is in effect.

§4-315 Registration of Building and Repair Services.

1. In accordance with O.C.G.A. §38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the unincorporated area of the county designated in a Declaration of Local Emergency, any person, firm, partnership, corporation or other entity must register with the Chatham County Building Safety and Regulatory Services Department and secure a building permit that is posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this ordinance constitutes a separate offense.
2. The cost of registration fees in a Declaration of Local Emergency is fixed at \$_____ per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.
3. Before repairing any structure within an area in the unincorporated area of Chatham County designated in a declaration of emergency, a building permit must be obtained and posted at the work site. The cost of the emergency building permit shall be equal to the cost for a building permit under current regulations. The permit shall only be authorized for repairs. Applicants shall provide the following information when applying for a temporary building permit:
 - a. Name of applicant;
 - b. Permanent address and phone number of applicant;
 - c. Local address and telephone number of applicant.
 - d. Applicant's Social Security number or federal Employer Identification number;

- e. If applicant is a corporation, the state and date of incorporation;
 - f. Tag registration information for each vehicle to be used in the business;
 - g. List of cities and/or counties where the applicant has conducted business within the past 12 months;
 - h. Georgia sales tax number or authorization;
 - i. Georgia business license number, if required;
 - j. Copy of license from the Secretary of State, if required.
4. Effective Date. This section shall become effective only upon a Declaration of Local Emergency stating this section is in effect. Unless otherwise specified in the Declaration of Local Emergency or otherwise extended by the Board of Commissioners, the provisions of this Code section shall remain in effect during the Declaration of Local Emergency and for a subsequent recovery period of three months.

§4-316 Closed or Restricted Areas and Curfews during Emergency.

- 1. To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a Declaration of Local Emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the Chair until the curfew is lifted.
- 2. To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chair shall have discretion to impose reentry restrictions on certain areas. The Chair shall exercise such discretion in accordance with the County Emergency Operations Plan, which shall be followed during emergencies.
- 3. The provisions of this section shall not apply to persons acting in the following capacities:
 - a. Authorized and essential law enforcement personnel;
 - b. Authorized and essential health care providers;
 - c. Authorized and essential personnel of the county;

- d. Authorized National Guard or federal military personnel;
 - e. Authorized and essential firefighters;
 - f. Authorized and essential emergency response personnel;
 - g. Authorized and essential personnel or volunteers working with or through the county emergency management agency (EMA);
 - h. Authorized and essential utility repair crews;
 - i. Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
 - j. Other authorized and essential persons as designated on a list compiled by EMA, the Director of Public Safety and/or the Sheriff of the county.
3. Enforceability. This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.
4. Effective Date. This section shall become effective only upon the signing of a Declaration of Local Emergency, stating this section is in effect.

Section 2 Enforcement and Remedies

1. Law Enforcement.
- a. The Sheriff of Chatham County and his lawful deputies, the Savannah Chatham Metropolitan Police Department, and the officers of any other law enforcement agency authorized by the Sheriff of Chatham County and approved by the Chairman to provide aid and assistance shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the Chair or local governing authority during an emergency.
 - b. Nothing in this section shall prohibit a law enforcement officer from bringing additional charges under State law.
2. Penalties. Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the Chair or local governing authority upon or

after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

3. Injunctive Relief. In accordance with O.C.G.A. §38-3-5, in addition to the remedies prescribed in this section, the CEMA Director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this code, and/or which are implemented by the local governing authority during a declared emergency.
4. Liberality of Construction. This Ordinance shall be liberally construed in favor of the governing body of Chatham County and deemed neither to limit nor repeal any other powers granted under State statutes.

Section 3 Regulations Continued in Effect

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief, which are not in conflict with this Article, are continued in full force and effect. Such ordinances, etc., are on file in the office of the Chatham County Commission.

BE IT FURTHER ORDAINED that this ordinance shall become effective December 21, 2012, the date of its approval.

[Sample forms follow.]

DECLARATION OF LOCAL EMERGENCY

STATE OF GEORGIA
CHATHAM COUNTY

WHEREAS, Chatham County, Georgia has experienced an event of critical significance as a result of [description of event] on [date]; and

WHEREAS, in the judgment of the Chair of the Chatham County Board of Commissioners, with advice from the Chatham Emergency Management Agency, there exist emergency circumstances located in [describe geographic location] requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of Chatham County, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

1. That the Chatham Emergency Management Agency activate the Emergency Operations Plan;
2. That the following sections of the Chatham County Code be implemented: [If deemed appropriate, choose from the following: §4-312 Overcharging Prohibited; §4-313 Zoning Regulations Suspended; §4-314 Emergency Business License; §4-315 Emergency Building Permit; §4-316 Closed or Restricted Areas and Curfew during Emergency; §4-317 Liberality of Construction, Enforcement and Penalty for Violation;
3. That the following measures also be implemented: [Select items or such other measures as may be appropriate.]

ENTERED at [time] on [date].

[Signed],

Chair,
Chatham County Board of Commissioners

**GEORGIA EMERGENCY MANAGEMENT AGENCY STATEWIDE
MUTUAL AID AND ASSISTANCE AGREEMENT**

The State of Georgia is vulnerable to a wide range of natural or technological disaster/emergencies. The Georgia Emergency Management Act, as amended (the Act) gives the local governments of the State the authority to make agreements for mutual aid assistance in emergencies, and through such agreements to ensure the timely reimbursement of costs incurred by the local governments which render such assistance. Under the Act the Agency has authority to coordinate assistance between local governments during emergencies and to provide available resources where needed.

Article I: Statement of Agreement, Definitions and Authorities

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management Agency (GEMA). For purposes of this agreement, the following terms and expressions shall apply:

1. "Agreement" means this agreement, sometimes called the "Statewide Mutual Aid Agreement."
2. "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this agreement during an emergency or disaster.
3. "Assisting Party" means a Participating Party that provides assistance pursuant to this agreement during a disaster or emergency.
4. "Authorized Representative" means a Participating Party's employee who has been authorized in writing by that party to request, to offer, or otherwise to provide assistance or an employee of the Georgia Emergency Management Agency designated by its Director under the terms of this agreement.
5. "Participating Parties" means the several counties and municipalities of this State or combinations thereof that have become parties to this agreement by their approval and execution of this agreement.
6. "Requesting Party" means a Participating Party that requests assistance pursuant to this agreement during a disaster or emergency.

Any term or expression not defined in this agreement shall have the meaning specified in the Georgia Emergency Management Act and rules

promulgated thereunder, unless used in a context that clearly suggests a different meaning.

This mutual aid agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated, including O.C.G.A. §38-3-29, specifically.

Article II: General Purpose

The purpose of this agreement is to provide for mutual assistance between the Participating Parties in managing any emergency or disaster that is duly declared by the governing authority of any political subdivision that is a Participating Party, whether arising from natural or technological disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

Article III: Acknowledgment of Principles

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people in the event of any local emergency or disaster declared by the Governor shall be the underlying principle on which all articles of this agreement shall be understood.

In the event a conflict between any provision of this agreement and any existing intrastate mutual aid agreement affecting a Participating Party, the provisions of this agreement shall be controlling.

On behalf of the governing authority of each political subdivision of this State participating in the agreement, the Director of Emergency Management of such political subdivision will be responsible for formulation of the appropriate mutual aid plans and procedures necessary to implement this agreement.

Article IV: Participating Party Responsibilities

1. It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:
 - a. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and

rescue, and critical lifeline equipment, services, and resources, both human and material.

- b. Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.
- c. Whenever a Participating Party declares a local emergency and such disaster or emergency is too great to be dealt with unassisted, for which a state of emergency has been declared, the Director of Emergency Management for such Participating Party or his/ her authorized representative may request assistance from another Participating Party by contacting the Director of the Georgia Emergency Management Agency. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:
 - (1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
 - (2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
 - (3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

Article V: Limitations

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided that it is understood that the Participating Party

rendering aid may withhold resources to the extent necessary to provide reasonable protection for such political subdivision.

Emergency forces will continue under the command and control of their supervisors, but the organizational units will come under the operational control of the emergency services authorities of the Requesting Party unless the Director of GEMA or his/her authorized representative approves an alternative. These conditions may be activated, as needed, in any disaster or emergency for which a state of emergency has been declared and shall continue so long as the state of emergency or disaster remains in effect or loaned resources remain in the Requesting Party's jurisdiction(s), whichever is longer.

Article VI: Liability and Immunity

1. In accordance with O.C.G.A. §38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.
2. In accordance with O.C.G.A. §38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.
3. It is the express intent of the parties that the immunities specified above shall be construed in accordance with O.C.G.A. §38-3-35 and shall apply in addition to any other immunities provided by statutory or case law.

Article VII: Rights and Privileges

In accordance with O.C.G.A. §38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

Article VIII: Reimbursement

In accordance with O.C.G.A. §38-3-30(b), the Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the Requesting Party. The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid and shall defray the actual traveling and maintenance expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. Expenses that are to be reimbursed by the Requesting Party shall include the following:

1. Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the Georgia Workers Compensation Act. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.
2. Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced.
3. Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party.

4. Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices for reimbursement as specified hereinabove and the Requesting Party shall pay the invoice no later than 30 days following the invoice date.

Article IX: Implementation

1. This agreement shall become operative immediately upon its approval and execution by the Georgia Emergency Management Agency and any two political subdivisions of this State; thereafter, this agreement shall become effective as to any other political subdivision of this State upon its approval and execution by such political subdivision.
2. Any Participating Party may withdraw from this agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.
3. Copies of this agreement shall, at the time of their approval, be deposited with each of the Participating Parties and with the Georgia Emergency Management Agency.

Article X: Coordinator

Georgia Emergency Management Agency (GEMA) shall act as the coordinating entity under this agreement. Nothing herein shall limit any authority of the Governor or the Director of the Georgia Emergency Management Agency under Articles, I, II, or III of Chapter 3, Title 38, Official Code of Georgia Annotated. In the event the Governor should declare a State of Emergency, any and all provisions of this agreement which may conflict with actions taken pursuant to such declaration shall be superseded by any such act or actions.

Article XI: Term of Agreement

This agreement shall expire on January 7, 2012. Agreement of the Participating Parties to extend the term of this agreement at any

time during the last year of its original term or the last year of any subsequent ten-year term shall extend the term of this agreement for ten years. Each ten-year extension shall constitute a separate agreement.

Article XII: Validity

This agreement shall be construed to effectuate the purposes stated in Articles II and III hereof. If any provision of this agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

(Signature page follows)

County Chair

Authorized Representative

Date

Director of Georgia Emergency Management Agency

Date

SAMPLE EMERGENCY AND DISASTER MUTUAL AID AGREEMENT

WHEREAS, a need for mutual aid agreements between the counties, cities, authorities and private agencies in Georgia has been recognized; and

WHEREAS, authority for such agreements can be found in O.C.G.A. §38-3-29.

NOW THEREFORE, be it resolved that the Chatham County Board of Commissioners and _____, adopt this Emergency and Disaster Mutual

Aid Agreement

1. Definitions: The following definitions shall apply throughout this agreement:

Agreement: "Agreement" means the Emergency and Disaster Mutual Aid Agreement.

Emergency: "Emergency" means any occurrence, or threat thereof, whether natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Disaster: "Disaster" means any natural, technological or civil emergency, or threat thereof that causes damage or has the potential to cause damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, city, the Governor, or the President of the United States.

Participating Local Agency: "Participating Local Agency" means a county, city, authority or private agency that has duly enacted this agreement.

Receiving Local Agency: "Receiving Local Agency" means the Participating Local Agency requesting equipment, services, personnel or other aid pursuant to this agreement.

Assisting Local Agency: "Assisting Local Agency" means the Participating Local Agency furnishing equipment, services, personnel or other aid pursuant to this agreement.

Emergency Management Director: "Emergency Management Director" means the person appointed by the county governing authority to implement the emergency plan of the county.

2. Term. This agreement begins on the date executed by the parties and continues for one year. This agreement shall automatically renew for an additional one-year period unless any party provides written notice of an intention not to renew within 30 days of the expiration date.
3. Basic Agreement. Any Participating Local Agency requested to render mutual aid or requested to participate in exercises and training for mutual aid pursuant to this agreement shall take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided, however, that the Assisting Local Agency may withhold or withdraw those resources necessary to provide protection for such Local Agency.
4. Procedure. In the event of any emergency or disaster, the Emergency Management Director of any County or Local Agency, or the designee of the county governing authority, may request assistance of another Participating Local Agency by contacting the Emergency Management Director, or the designee of the governing authority, of that County or Local Participating Agency. The provisions of this agreement shall only apply to requests for assistance made by and to official Emergency Management Directors or the designees of the county governing authority or Local Participating Agency. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within ten days of the verbal request.
5. Rights and Duties. Each Participating Local Agency shall afford to the employees of any other Participating Local Agency, while operating within its jurisdiction under the terms and conditions of this agreement, the same powers (except that of arrest, unless specifically authorized by the Receiving Local Agency), duties, rights, privileges and immunities as are afforded employees of the Receiving Local Agency in which they are performing emergency services. Employees of the Assisting Local Agency will continue under the command and control of their regular leaders, but, as a group will come under the operational control of the emergency services authorities of the Receiving Local Agency, unless the Receiving Local Agency relinquishes such control.
6. Licenses and Permits. Whenever any person holds a license, certificate or other permit issued by the state, county or other qualified agency evidencing that the individual possesses any required professional, mechanical, or other skills, such person may be permitted by the Receiving Local Agency to render aid involving such skill in any other Participating Local Agency to meet an emergency or disaster situation.

7. Compensation. Each Participating Local Agency shall provide for the payment of compensation and death benefits to injured employees of that County and the representatives of deceased employees in case such employees sustain injuries or are killed while rendering aid pursuant to this agreement, in the same manner and on the same terms as if the injury or death were sustained within their own Local Agency.
8. Payment and Reimbursement. The Receiving Local Agency shall pay and reimburse the Assisting Local Agency for the compensation paid to its employees during the time and rendition of the aid and shall defray the actual traveling and maintenance expenses of the employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees were engaged in rendering the aid. The Receiving Local Agency shall also be liable for any loss or damage to equipment used for or in the Receiving Local Agency pursuant to this agreement and shall pay any expense incurred in the operation or maintenance thereof. No claim for the loss of, damage to or expense of such equipment shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the Receiving Local Agency.
9. Immunity. Neither an Assisting Local Agency nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representative of any Assisting Local Agency, nor any unpaid trained personnel or member of any agency engaged in any emergency management activity pursuant to this agreement, shall be liable for the death of or injury to person or for damage to property as a result of such activity.

(Signature page follows)

Chair
Chatham County Board of Commissioners

Date

ATTEST :

Clerk ·

Mayor
City of _____

Date

ATTEST:

Clerk

SAMPLE GENERAL RELEASE AGREEMENT

STATE OF GEORGIA
COUNTY OF CHATHAM

FOR AND IN CONSIDERATION OF work performed by Chatham County on subject property located at _____, I/we, the owners of subject property acknowledge and do forever release, acquit, discharge and covenant to hold harmless Chatham County and any of its officers, agents, and employees from any and all action, causes of action, claims, demands, damages, costs, loss of services, compensation, and losses and expenses of whatsoever kind or nature in law or equity, for and on account of, or in any way growing out of, any and all known and unknown personal injuries and/or property damages that the undersigned may now or hereafter have as owners of the subject property resulting from work being performed on the subject property on or about _____, 20__.

It is further understood and agreed that this Release Agreement extends to and includes indemnification for the negligence, if any, of the county, its officers, agents, servants and employees either direct or vicarious, or for its or their own act or omission that would or may constitute negligence of which would or may constitute the creation or maintenance of a nuisance.

I/we have carefully read the foregoing and fully understand and agree to the same and have executed the same freely and voluntarily. Furthermore, I/we have consulted or been given the opportunity to consult with an attorney of my/our own choosing prior to the execution of this document.

IN WITNESS WHEREOF, the undersigned has/have hereunto set his/their hand and seal this _____ day of _____, 20__.

Owner _____

Owner _____

Signed, sealed and sworn to and subscribed before the undersigned unofficial witness and notary public,

Witness

Notary Public, State of Georgia
My Commission Expires: _____

**SAMPLE RIGHT OF ENTRY AND AGREEMENT TO ALLOW USE OF
PROPERTY AS A RESULT OF STATE OF EMERGENCY**

STATE OF GEORGIA
CHATHAM COUNTY

This Right of Entry and Agreement to Allow Use of Property as a Result of State of Emergency is entered into between the Chatham County Board of Commissioners ("County"), (insert address) and _____ (print the name and address of property owner(s) ("Property Owner(s)." In consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which is hereby acknowledged by the parties, we agree as follows:

WHEREAS, as a result of (insert a description of the emergency), a state of emergency has been declared for the County; and

WHEREAS, certain real property is needed by the County Emergency Management Agency to be used for _____

NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES THAT

(print the name of property owner(s)) am/are the owner(s) of property located at Land

Lot #_____, District #_____, Section #_____, and Parcel #_____ of _____ County and shown on the map filed in the _____ County Tax Offices. I/we agree to allow the _____ County Board of Commissioners ("County"), their employees and agents to enter the above referenced property for purposes of establishing _____

for a period up to _____ days, unless otherwise extended by mutual agreement.

County:

Property Owner:

DATE

DATE:

Property Owner:

DATE

ARTICLE IV

Purchasing

§4-401 Statutory Authorization. The Legislature of the State of Georgia has in the Georgia Constitution, Article 9, Section II - Home Rule for Counties delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Chatham County, Georgia, acting under its enabling act, Georgia Laws of 1984, Vol. II pp. 5050-5076 as amended, does ordain and enact into law the following:

§4-402 Purpose and Scope. The purpose of this Ordinance is to provide for the fair and equitable treatment of all persons involved in public purchasing by the County of Chatham, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity. This Ordinance applies to contracts for the procurement of supplies, services, and construction, entered into by the County of Chatham after the effective date of this Ordinance. It shall apply to every expenditure of public funds irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations. Nothing in this Ordinance shall prevent the County from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

§4-403 Gifts, Rebates, and Kickbacks Prohibited.

1. Employees. Every public officer, County officer and official, the Purchasing Agent, and other employees of the County of Chatham are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation from which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of more than nominal value.
2. Contractors and Vendors. It shall be unlawful for any person, company, firm, or corporation to offer, give or agree to give any County employee or public or County official or officer, a gratuity, rebate, kickback, or an offer of employment in connection with any action or impending action related to any purchase order or contract that is, or might be, awarded by Chatham County.

§4-404 Types of Purchases Authorized. Five types of purchases are hereby authorized for use by the County Manager for the

purpose of procurement of all goods and services for Chatham County. The five (5) types of purchases are: emergency purchases, major purchases, standard purchases, small purchases, using agency (field) purchases.

Each type of purchase shall be more fully defined in the Chatham County Purchasing Procedures Manual.

§4-405 Source Selection Methods Allowed.

1. Sealed Bids Method. All purchases of, and contracts for, materials, supplies, equipment, or services of \$15,000 or more (except those qualifying for other authorized methods) shall be from sources whose selection is based on the sealed bids/proposals method as further provided in the Chatham County Purchasing Procedure Manual. (Amended January 24, 1997)
2. Quotations/Informal Bids Selection Method. All other purchases for less than \$15,000 may be based, wherever possible, on competitive quotation, either by telephone or letter inquiry as further provided in the Chatham County Purchasing Procedures Manual. (Amended January 24, 1997)
3. Other Methods. Professional service contracts, sole source purchases, and emergency purchases, small purchases, and certain other purchases shall be procured or contracted for according to the rules and regulations established within the Chatham County Purchasing Procedures Manual.
4. Lowest Bid and Other Selection Criteria. Purchases of, and contracts for, materials, supplies, equipment, or services shall be awarded to the lowest and best bidder. The price of professional service contracts may be negotiated. In addition to the price, the Purchasing Agent shall consider:
 - a. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
 - b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - c. The character, integrity, reputation, judgement, experience, and efficiency of the bidder;
 - d. The quality of performance of previous contracts of services;
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - g. The quality, availability, and adaptability of the supplies, or contractual services to the particular use required;
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and,
 - i. The number and scope of conditions attached to the bid.
5. Prevailing local wage rate. Contracts for construction shall not be awarded unless the contractor shall agree in the contract with the Board of Commissioners to pay at least the prevailing local wage rate in Chatham County as determined and announced by the Wage and Hour Division of the U.S. Department of Labor. (Amended September 6, 1996)
6. Local Vendor Preference. The lowest "local vendor" who responds to an original competitive solicitation for goods or services that is **NOT** the lowest overall bidder, will be given the opportunity to match the lowest price offered by an out-of-county vendor. All other terms and conditions of the solicitation must be met. If the "local vendor" confirms in writing to match the lowest price, the "local vendor" will be awarded the purchase.
- a. Local Vendor: A business or supplier shall be considered a "local vendor" if it meets the following requirements:
 - i. The bidder or vendor operate and maintain a regular place of business within Chatham County; or
 - ii. The bidder or vendor must have a current Business Tax Certificate issued by a county or municipality within Chatham County which was issued at least six (6) months prior to bid opening date; or
 - iii. The vendor or bidder has a staffed, physical business located and operating within the six-county radius of Chatham County, and has been doing business at that location for at least six (6) months; or
 - iv. The bidder or vendor is a principal with a least 50% ownership interest in the business and said principal personally resides within Chatham County as evidenced by their Homestead exemption;

- v. The bidder or vendor who is located in Chatham County, must have paid all real and personal property taxes owed to the County prior to any award of a contract or purchase.

(Amended March 27, 1998 - paragraph 6 added;
amended February 16, 2024)

§4-406 Sale of Obsolete or Unusable Personal Property. All sales of obsolete or unusable County personal property shall be sold at public auction by the Purchasing Agent or his designee. The County Commission may, upon recommendation of the County Manager, exempt certain unique or specialized pieces of personal property from this requirement and may authorize its sale by a competitive sealed bid process as specified in the Chatham County Purchasing Procedures Manual.

§4-407 Regulations and Procedures. The County Manager is hereby authorized and directed to develop for consideration by the Board of Commissioners, and adoption by resolution, a purchasing procedures manual which shall contain all of the administrative rules, regulations, and procedures needed to implement this Ordinance. The County Manager may amend, from time to time, the administrative rules, regulations, and procedures contained within the Chatham County Purchasing Procedures Manual. Any amendments proposed by the County Manager to the Chatham County Purchasing Procedures Manual shall become effective thirty (30) days after submission to the Board of Commissioners unless the amendments are disapproved by the Board within thirty (30) days. Copies of the amendments shall be filed in the office of the Purchasing Agent and the Clerk of the Commission and be made available for public inspection during regular business hours.

§4-408 Cooperative Purchasing Agreements. The County Manager is authorized to participate in cooperative procurement arrangements with other municipal, county, regional, state and federal governments, and non-profit organizations.

§4-409 Multi-Year Contracts.

1. The County Manager may recommend to the Board of Commissioners the use of multi-year contracts for lease or lease purchase and other contracts for the procurement of commodities, construction, and services as further specified in the Chatham County Purchasing Procedures Manual under the authority granted in O.C.G.A. 36-60-13 and other applicable State laws.
(Amended April 11, 2008)
2. The Purchasing Agent may, when fully justified by user department, extend contracts up to ninety (90) days, with the exception of those for Public Works Construction, SPLOST and

Capital Improvement Projects. These projects must be reflected in the Board minutes. (Amended April 11, 2008)

3. The Purchasing Agent shall establish Performance Evaluation criteria, forms and methods on all contracts for Professional Services, Consultant Services, Construction Services, Supplier Services (goods/products), and General Services (furnishing of labor, time, or effort not involving the delivery of a specific end product), i.e. Custodial/ Janitorial Service and Annual Maintenance Agreements. (Amended April 11, 2008)

§4-410 Equal Opportunity and Affirmative Action Program. Chatham County shall operate and maintain a special procurement program for disadvantaged and female-owned business enterprises that embodies the principles of equal opportunity and affirmative action. This program is more specifically set forth in the Chatham County Purchasing Procedures Manual. The goal of this program is to provide methods which ensure that disadvantaged and female-owned business enterprises have equal access to all Chatham County contracts for goods and services, thereby ensuring fairness and honesty in the operations of County government. The Chatham County Purchasing Procedures Manual shall include disadvantaged and female-owned business participation goals for various types of purchases and contracts and the goals shall be kept current and realistic considering the local market on an annual basis by the County Manager.

§4-411 Uniform Commercial Code and Other Laws. The Uniform Commercial Code of Georgia (O.C.G.A. 11-1 thru 11 as amended) and other applicable federal, state, and local laws shall apply, as appropriate, to the procurement process for Chatham County government.

§4-412 Responsibility of Chief Executive. The Commission Chairman, as Chief Executive of Chatham County is required by the County's Enabling Act (1984 GA Laws 5050) to "sign ordinances and resolutions on their final passage and sign deeds, bonds, contracts, and other instruments and documents in any case in which the general laws of this State or any ordinance or resolution of the Board of Commissioners so require or authorize," and is therefore so designated for the purposes of this Ordinance. The Chairman may utilize, at his/her option and convenience, the Commission Vice-Chairman to sign any document so indicated by the Commission Chairman. The intent of this provision is to provide the appropriate degree of flexibility to the procurement system to enable all documents requiring official signatures to be executed in a timely and expeditious manner in the event of the absence of, or for the convenience of, the Chairman.

Approval of emergency procurement actions for goods, materials, and services exceeding the dollar threshold in §4-413 below must, as a minimum, be verbally approved by the Chairman, if not available, the Vice Chairman, and if not available, the Chairman Pro Tem. Emergency Change Orders to contracts regardless of the dollar amount must be approved in the same manner. (Amended June 28, 2002)

§4-413 Board Approval of Purchases. The Board of Commissioners shall approve all purchases having a value of \$10,000 or more. (Amended January 9, 1998)

§4-414 Responsibility of County Manager. The Chatham County Manager shall be responsible to the Board of Commissioners for the procurement of all materials, supplies, equipment, and certain contractual services for all departments, officers, and agencies of Chatham County as provided for by State law and the requirements of this Ordinance. The County Manager may sign procurement contracts, agreements and purchase orders of less than \$10,000 in value. The Manager may further designate the Purchasing Agent and using agency heads to sign certain types of procurement contracts, agreements, and purchase orders as specified in the Chatham County Purchasing Procedures Manual. (Amended February 7, 1997)

§4-415 Designation and Authority of the Purchasing Agent.

1. Designation. The County Manager shall designate an employee (officer) of the County to serve as the Purchasing Agent. The Purchasing Agent shall serve as the principal public procurement official for Chatham County.
2. Authority. The Purchasing Agent shall be responsible, under the supervision and control of the County Manager or the Manager's designee, for the procurement of all materials, supplies, equipment, and certain contractual services for all departments, offices, and agencies of Chatham County.

§4-416 Powers and Duties. The Purchasing Agent is authorized to procure for the County Manager, and it shall be his duty:

1. To procure, within the limitations imposed by law in accordance with the regulations adopted by the Board of Commissioners or County Manager, all materials, supplies, equipment, and contractual services which have been requisitioned and authorized by any "using agency" (as defined in the Chatham County Purchasing Procedures Manual) which derives its financial support wholly or in part from the County.

2. To purchase or procure for the County materials, supplies, equipment, and contractual services from the "lowest and best bidder" meeting specifications.
3. To negotiate contracts for goods and services at the County Manager's request.
4. To sell or dispose of all obsolete or unusable personal property in accordance with the policies, rules, regulations, or procedures which may be adopted by the Board of Commissioners by ordinance or resolution, or the County Manager as administrative procedure.
5. To coordinate cooperative purchasing practices with other counties, municipal, regional, state, or federal governments or non-profit organizations.
6. No contract shall be awarded unless all real and personal property taxes have been paid by the successful contractor and/or subcontractor. (Amended April 8, 1994)

§4-417 Disability or Absence. If the Purchasing Agent becomes ill or needs to be absent from the County, the agent shall designate another employee who will perform the duties of the Purchasing Agent during this absence or disability period. The person so designated shall not perform these duties for a period longer than five (5) days without the approval of the County Manager.

§4-418 Penalties for Violation. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safe-guards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance or fails to comply with any of its requirements shall: (1) upon conviction thereof, be fined not more than \$500 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense, and/or (2) shall be subject to debarment or suspension as set forth in the Chatham County Purchasing Procedures Manual.

Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§4-419 Repeal of Conflicting Ordinances or Resolutions. Section 8-1009 of the Code of Chatham County - Purchasing Division "Powers and Functions," Sections 10-1001 thru 10-1003 of the Code of Chatham County - "County Contracts," and the

Purchasing Ordinance of Chatham County adopted August 21, 1981, and all amendments thereto, are hereby rescinded in their entirety. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§4-420 Conflict With Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in, or under any other statute, covenant, ordinance, or resolution, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, covenant, ordinance, or resolution are more restrictive standards than those of this Ordinance, the provisions of said statute, etc., shall govern.

§4-421 Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

ARTICLE V

Records Retention Ordinance

§4-501 Title. This ordinance shall be entitled "Records Retention Ordinance."

§4-502 Records Retention Committee Abolished and Prior Records Management Ordinances, etc. Repealed. The Records Retention Committee is hereby abolished. Any ordinances, resolutions or policies pertaining to records retention which were in existence prior to the effective date of this ordinance are hereby repealed.

§4-503 Retention Schedules, Georgia Records Act and Georgia Law. The County hereby adopts the Retention Schedules for Local Government Records which are applicable to the County or become applicable to the County in the future as recommended by the Division of Archives and History of the Office of the Secretary of State. It is the express intent of the County to follow applicable State laws and guidelines regarding records retention and any amendments to State laws and guidelines regarding records retention.

§4-504 Administration of Records Retention Ordinance. The County Manager or his designee shall be responsible for the administration of this Ordinance.

§4-505 Severability. Should any section, provision, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the County that this Ordinance would have been adopted had any such invalid portion not been included herein.

§4-506 Effective Date. This ordinance will become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. (Adopted and approved October 6, 2006)