

PASSED 3/26/2021

AN EMERGENCY ORDINANCE NO. BR2021-07

EMERGENCY DECLARATION AND ORDINANCE

PURSUANT TO SECTION 3.18 OF THE CITY CHARTER

**A DECLARATION OF A STATE OF EMERGENCY ARISING
OUT OF SEVERE STORM DAMAGE TO THE CITY OF BLUE RIDGE'S
INFRASTRUCTURE AND WATER SERVICE; AN ORDINANCE TAKING
IMMEDIATE EMERGENCY MEASURES**

WHEREAS, on or about March 25, 2021, severe storms caused massive damage in the City of Blue Ridge to the City's infrastructure, roads and water service which present a need for immediate emergency repairs to protect the public health, safety, life and property; and

WHEREAS, O.C.G.A. § 36-91-22(e) provides the City of Blue Ridge may contract with necessary persons or entities to conduct immediate repairs without having to conduct the advertising and bid procedure otherwise required by Georgia law; and

WHEREAS, if a state of emergency is declared by the Governor, in addition to the one already in effect due to COVID-19, O.C.G.A. § 38-3-28 provides the political subdivisions of this State, such as the City of Blue Ridge, Georgia, with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to be consistent with and supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, Section 3.18 of the City Charter provides in pertinent part that "to meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or two councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days...an emergency ordinance may be adopted, without or without amendment, or rejected at the meeting at which it is introduced...it shall become effective upon adoption or such later time as it may specify [and] every emergency ordinance shall automatically stand repealed 30 days following the date upon which it is enacted, but this shall not prevent reenactment...if the emergency continues to exist;

NOW, THEREFORE, IT IS HEREBY DECLARED that special circumstances have occurred and a local state of emergency exists within the City of Blue Ridge, Georgia and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF BLUE RIDGE, GEORGIA AS FOLLOWS:

Section 1. Findings of Fact

For purposes of describing the specific circumstances which warrant the adoption of an emergency ordinance, the Mayor and the City Council Members of the City of Blue Ridge, Georgia hereby adopt and make the findings included in the “WHEREAS” clauses above as findings of fact.

Section 2. Declaration of a State of Emergency

The Mayor and City Council Members of the City of Blue Ridge, Georgia hereby declare a state of emergency within the City of Blue Ridge, Georgia because of the severe storm damage, which will remain in force and effect until April 26, 2021 unless extended or repealed.

Section 3. Procurement

The City of Blue Ridge, Georgia hereby suspends the bid and competitive portions of the City’s Procurement Policy or ordinances and authorize the Mayor, with the advice and consent of the Mayor Pro-Tem, to utilize the single-source policy and to require departments to provide a written justification for the single-source procurement during the effective dates of this Ordinance and/or utilize any emergency procurement provisions contained therein. However, the Mayor and Mayor Pro-Tem shall have the express responsibility to seek the best prices during the state of emergency and are authorized to approve up to \$350,000 in expenditures to conduct immediate repairs.

Section 4. Waiver of 48 Hour Notice

To allow for expedient response to rapidly changing circumstances, the Mayor and each Council Member expressly waives in writing herein forty-eight hour notice of any specially called meeting to extend this Ordinance or take action in response to this public health emergency. However, the same notice required by State law applicable to Open Meetings Act shall be provided to the Mayor and Council Members for any specially called meeting, including the provisions of O.C.G.A. 50-14-1(d)(3). Notwithstanding this Section, notice of any specially called meeting may be waived in writing by the Mayor and Council Members or as otherwise provided in the City Charter.

Section 5. Ordinance Governs

Pursuant to O.C.G.A. § 38-3-28 and other applicable law, all laws, ordinances, rules and regulations, or any parts thereof, in conflict with the provisions of this Ordinance are hereby suspended during the effective dates of this Ordinance (or any extension thereof) and the terms and provisions of this Ordinance shall govern. This Ordinance does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Blue Ridge, Georgia, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Section 6: Severability

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions 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 to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This Ordinance after adoption by the City Council and upon approval by the Mayor shall become effective immediately.

SO ORDAINED, this 26 day of March, 2021

BLUE RIDGE CITY COUNCIL

By: Don Whitener
Mayor

Attest Ordinance Passed: Chonda Haight

Attest:

Kelly Crowder
City Clerk