



Fulton County Board of Commissioners
Agenda Item Summary

BOC Meeting Date **# 17-0475**

6/21/2017

Requesting Agency:

County Manager

Commission Districts Affected

All

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Resolution to approve an Intergovernmental Agreement ("IGA") between Fulton County, Georgia and the City of South Fulton, Georgia; to authorize the County Attorney and County Manager to finalize negotiations of the IGA; to authorize the County Attorney to approve the IGA as to form and substance and make any modification to the IGA in order to protect the interest of the County; and to authorize the Chairman to execute the IGA.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

H.B. 514 which creates the City of South Fulton; Georgia Constitution Article IX, Sec. 2, Para. 3 requires an IGA for counties and cities to exercise governmental activities within each other's jurisdictions; O.C.G.A. Section 36-31-8, which provides an exception to the foregoing Constitutional prohibition; and O.C.G.A. Section 36-10-1, which requires contracts with the County to be in writing and entered on the minutes of a Board of Commissioners' meeting.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People trust government is efficient, effective, and fiscally sound

Is this a purchasing item? No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work: The County and City desire to enter into an IGA for the County to provide various services within the boundaries of South Fulton for a period not to exceed November 30, 2018, for a monthly cost of the County providing the services plus certain administrative costs. As an overview the following potential service departments are set forth in the IGA: Emergency 911 Services; Animal Control Services; Police Services; Fire and Rescue Services; Election Services; Planning and Zoning Services; Parks and Recreation Services; Production Services; Business Occupational Tax Services; Transportation Services; and Stormwater Services. Provisions are also made for the handling of County assets and any transfer of such assets, including property, land and buildings and leases.

Department Recommendation: Approval.

Project Implications: Ensure that the citizens of South Fulton receive the same level of service during the transition period.

Contract & Compliance Information

(Provide Contractor and Subcontractor details.)

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Contractor Type	Contractor Status	Contractor Name	Address	City	State	Zip Code	Contact Name	Contact Phone	Contact Email	Upon Approval	Amount	Percentage	Prime/Contract Value

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				
Total Contract Value				
Total M/FBE Values				
Total Prime Value				
Fiscal Impact / Funding Source	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>			
Exhibits Attached	<i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>			
Exhibit 1 – Resolution				
Exhibit 2 – Draft IGA				
Source of Additional Information	<i>(Type Name, Title, Agency and Phone)</i>			

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement**Contract Attached:****Previous Contracts:****Solicitation Number:****Submitting Agency:****Staff Contact:****Contact Phone:****Description:****FINANCIAL SUMMARY****Total Contract Value:**

Original Approved Amount:

Previous Adjustments:

This Request:

TOTAL:

MBE/FBE Participation:

Amount: %:

Amount: %:

Amount: %:

Amount: %:

Grant Information Summary:

Amount Requested:

Match Required:

Start Date:

End Date:

Match Account \$:

☐

Cash

☐

In-Kind

☐

Approval to Award

☐

Apply & Accept

Funding Line 1:**Funding Line 2:****Funding Line 3:****Funding Line 4:****KEY CONTRACT TERMS****Start Date:****End Date:****Cost Adjustment:****Renewal/Extension Terms:****ROUTING & APPROVALS**

(Do not edit below this line)

	Originating Department:		Date:
	County Attorney:		Date:
	Purchasing/Contract Compliance:		Date:
	Finance/Budget Analyst/Grants Admin:		Date:
	Grants Management:		Date:
	County Manager:		Date:

1 **A RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT**
2 **("IGA") BETWEEN FULTON COUNTY, GEORGIA AND THE CITY OF SOUTH**
3 **FULTON, GEORGIA; TO AUTHORIZE THE COUNTY ATTORNEY AND**
4 **COUNTY MANAGER TO FINALIZE NEGOTIATIONS OF THE**
5 **INTERGOVERNMENTAL AGREEMENT; TO AUTHORIZE THE COUNTY**
6 **ATTORNEY TO APPROVE THE INTERGOVERNMENTAL AGREEMENT AS**
7 **TO FORM AND SUBSTANCE AND TO MAKE ANY MODIFICATIONS**
8 **THERE TO IN ORDER TO PROTECT THE INTERESTS OF THE COUNTY; TO**
9 **AUTHORIZE THE CHAIRMAN TO EXECUTE THE INTERGOVERNMENTAL**
10 **AGREEMENT; AND FOR OTHER PURPOSES.**

11 **WHEREAS**, the City of South Fulton ("City") was created pursuant to
12 House Bill 514 ("H.B. 514"), enacted by the Georgia General Assembly in 2016;
13 and

14 **WHEREAS**, for the benefit of the residents of both Fulton County and the
15 City, the governing authorities of Fulton County and the City desire to maintain a
16 mutually beneficial, efficient and cooperative relationship that will promote the
17 interests of the citizens of both jurisdictions; and

18 **WHEREAS**, H.B. 514 provides the City with a twenty-four (24) month
19 transition period starting from November 15, 2016 before the City must assume
20 and exercise all powers of a municipality; and

21 **WHEREAS**, Section 7.16(b) of H.B. 514 provides that "during such
22 transition period, Fulton County shall continue to provide within the territorial
23 limits of the City all government services and functions which Fulton County
24 provided in that area during 2016 and at the same actual cost, except to the
25 extent otherwise provided in this section;" and

26 **WHEREAS**, except as otherwise provided by law, Article IX, § II, ¶ III of
27 the Georgia Constitution prohibits cities and counties from exercising

1 governmental authority within each other's boundaries except by
2 Intergovernmental Agreement; and

3 **WHEREAS**, the County and the City are authorized to enter into this
4 Intergovernmental Agreement pursuant to Article IX, § III, ¶ I(a) of the Georgia
5 Constitution; and

6 **WHEREAS**, Fulton County and the City desire to enter into an
7 Intergovernmental Agreement for Fulton County to provide various services
8 within the boundaries of the City for a period not to exceed November 30, 2018,
9 or as otherwise provided; and

10 **WHEREAS**, the IGA establishes the monthly cost of the services to be
11 provided by Fulton County to the City; and

12 **WHEREAS**, the Board of Commissioners has determined that the
13 Intergovernmental Agreement between the County and the City is in the best
14 interest of the citizens of both jurisdictions.

15 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of
16 Commissioners hereby approves the Intergovernmental Agreement between
17 Fulton County, Georgia and the newly created City of South Fulton, in
18 substantially the form attached hereto as Exhibit "A" and incorporated herein by
19 reference.

20 **BE IT FURTHER RESOLVED**, that the County Attorney and the County
21 Manager are authorized to finalize negotiations of the Intergovernmental
22 Agreement.

BE IT FURTHER RESOLVED, that the County Attorney shall approve the Intergovernmental Agreement as to form and substance and make any necessary modifications thereto prior to execution by the Chairman.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute the Intergovernmental Agreement, as finalized and modified by the County Attorney.

BE IT FINALLY RESOLVED, that this Resolution shall become effective upon its adoption, and any Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this ____ day of June, 2017.

FULTON COUNTY BOARD OF COMMISSIONERS

By:

John H. Eaves, Chairman
District 7, At-Large

ATTEST:

APPROVED AS TO FORM:

Tonya Grier, Interim Clerk to the
Commission

Patrise Perkins-Hooker
County Attorney

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