



Administrative Services Committee Meeting Commission Chamber - 9/24/2019

**ATTENDANCE:**

Present: Hons. Hardie Davis, Jr., Mayor; Sias, Chairman; Clarke, Vice Chairman; Davis and B. Williams, members.

**ADMINISTRATIVE SERVICES**

- |                                                                                                                                                                                                                                                                                                                                                                                              |                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <p>1. Motion to approve an amendment to the AUGUSTA, GA CODE Section 1-2-13 (Rules of Procedure), Section 2.01.02 to clarify that any voting member of the Commission is permitted to a make a motion at any point, without needing recognition by the Chair, during any public meeting of the Commission, to become effective upon approval. (Approved by Commission September 3, 2019)</p> | <p><b>Item Action:</b><br/>Disapproved</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|

**Motions**

| Motion Type | Motion Text                                          | Made By                     | Seconded By              | Motion Result |
|-------------|------------------------------------------------------|-----------------------------|--------------------------|---------------|
| Deny        | Motion to deny. Ms. Davis out.<br>Motion Passes 3-0. | Commissioner Bobby Williams | Commissioner Sammie Sias | Passes        |

- |                                                                                                                                                      |                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <p>2. Update regarding the BH3 City Leadership Initiative and the benefits to the City of Augusta. <b>(Requested by Mayor Hardie Davis, Jr.)</b></p> | <p><b>Item Action:</b><br/>Approved</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|

**Motions**

| Motion Type | Motion Text                                                       | Made By                     | Seconded By             | Motion Result |
|-------------|-------------------------------------------------------------------|-----------------------------|-------------------------|---------------|
| Delete      | Motion to delete this item from the agenda.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes        |

3.

|                                                                                                                                                                                                                 |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Approve award of contract to provide professional services to assess the long term space needs of Augusta, Georgia Government operations to LS3P of Savannah, Georgia in the amount of \$118,000.00. RFQ 19-231 | <b>Item Action:</b><br>Approved |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                                               | <b>Made By</b>              | <b>Seconded By</b>      | <b>Motion Result</b> |
|--------------------|------------------------------------------------------------------|-----------------------------|-------------------------|----------------------|
| Approve            | Motion to approve.<br>Mr. Clarke votes No.<br>Motion Passes 3-1. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes               |

- |                                                                                                                                                                                                                                                                                                                        |                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 4. Presentation regarding the Fight Blight Initiative through the Joint Collaboration Committee (JCC) and request input from the Augusta Commission on funding redevelopment efforts in the target area. See December 18, 2018 presentation from Environmental Services. <b>(Requested by Mayor Hardie Davis, Jr.)</b> | <b>Item Action:</b><br>Approved |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                                                                                                                                | <b>Made By</b>              |                          | <b>Motion Result</b> |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|----------------------|
| Approve            | Motion to approve receiving this item as information and state our continued support for this Collaboration. Ms. Davis out.<br>Motion Passes 3-0. | Commissioner Bobby Williams | Commissioner John Clarke | Passes               |

- |                                                                                                    |                                 |
|----------------------------------------------------------------------------------------------------|---------------------------------|
| 5. Presentation from the Augusta Land Bank Authority. <b>(Requested by Commissioner Ben Hasan)</b> | <b>Item Action:</b><br>Approved |
|----------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                                                          | <b>Made By</b>              | <b>Seconded By</b>      | <b>Motion Result</b> |
|--------------------|-----------------------------------------------------------------------------|-----------------------------|-------------------------|----------------------|
| Approve            | Motion to approve receiving this item as information.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes               |

- |                                                                                          |  |
|------------------------------------------------------------------------------------------|--|
| 6. Discuss Smart City Augusta Initiatives. <b>(Requested by Mayor Hardie Davis, Jr.)</b> |  |
|------------------------------------------------------------------------------------------|--|

**Item  
Action:**  
Approved

# Motions

|        | Motion Text                                                       | Made By                     | Seconded By             | Motion Result |
|--------|-------------------------------------------------------------------|-----------------------------|-------------------------|---------------|
| Delete | Motion to delete this item from the agenda.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes        |

7. Motion to approve Housing and Community Development Department's (HCD's) request to provide Laney Walker/Bethlehem Revitalization Funding to contract with Captialrise LLC to construct two (2) workforce, residential units on Boyd Lane. **Item Action:** Approved

# Motions

| Motion Type | Motion Text                                                | Made By                     | Seconded By              | Motion Result |
|-------------|------------------------------------------------------------|-----------------------------|--------------------------|---------------|
| Approve     | Motion to approve.<br>Ms. Davis out.<br>Motion Passes 3-0. | Commissioner Bobby Williams | Commissioner John Clarke | Passes        |

8. Discuss Homeless Initiatives for the City of Augusta currently being implemented and what additional things can be done to positively impact the lives of the homeless community. **(Requested by Mayor Hardie Davis, Jr.)** **Item Action:** Approved

# Motions

| Motion Type | Motion Text                                                       | Made By                  | Seconded By             | Motion Result |
|-------------|-------------------------------------------------------------------|--------------------------|-------------------------|---------------|
| Approve     | Motion to delete this item from the agenda.<br>Motion Passes 4-0. | Commissioner Sammie Sias | Commissioner Mary Davis | Passes        |

9. Motion to approve the minutes of the Administrative Services Committee held on September 10, 2019. **Item Action:** Approved

# Motions

| Motion Type | Motion Text | Made By | Seconded By | Motion Result |
|-------------|-------------|---------|-------------|---------------|
| Approve     |             |         |             | Passes        |

Motion to approve.  
Ms. Davis out.  
Motion Passes 3-0.

Commissioner  
John Clarke

Commissioner  
Bobby Williams

[www.augustaga.gov](http://www.augustaga.gov)



Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Attendance 9/24/19

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**Department:**

**Presenter:**

**Caption:**

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND AUGUSTA, GA CODE SECTION 1-2-13 (RULES OF PROCEDURE) TO ALLOW ANY VOTING MEMBER OF THE AUGUSTA COMMISSION TO MAKE A MOTION AT ANY POINT WITHOUT BEING RECOGNIZED BY THE CHAIR; AND FOR OTHER PURPOSES.**

**WHEREAS**, AUGUSTA, GA CODE Section 1-2-13 (Rules of Procedure) addresses the rules of procedures and processes for conducting public meetings of the Augusta Commission (“Commission”); and

**WHEREAS**, the Commission may amend its Rules of Procedure at any time; and

**WHEREAS**, the Commission deems that every voting member of the Augusta Commission shall have the opportunity to make a motion, at any time, during a public meeting and such motions shall be governed by the Commission’s Rules of Procedure; and

**WHEREAS**, the Commission desires to amend AUGUSTA, GA CODE Section 1-2-13 (Rules of Procedure), *Section 2.01.02* so that any voting member of the Commission is permitted to make a motion at any point without needing recognition by the Chair, during any public meeting of the Commission.

**THE AUGUSTA, GEORGIA COMMISSION** hereby ordains as follows:

**SECTION 1.** Augusta, GA Code Section 1-2-13 (Rules of Procedure), as re-adopted by the Commission on July 10, 2007, is hereby amended as set forth in the attached “Exhibit A.” Augusta, GA Code Section 1-2-13, Section 2.01.02 is amended and shall read as follows:

*2.01.02 All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman-Mayor and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner may not speak at a meeting until he or she has been recognized by the Chairman-Mayor unless speaking to make a motion. Any voting member (i.e., Commissioner) can make a motion at any point without needing recognition by the chair. All comments made by a Commissioner shall address the motion that is being discussed.*

**SECTION 2.** This ordinance and the incorporated amendment shall be effective upon adoption by the Augusta Commission and shall be made a part of the Augusta Code of Ordinances in accordance with applicable laws.

**SECTION 3.** The sections, paragraphs, sentences, clause and phrases of this ordinance are severable. Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repeal by action of the Commission.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Hardie Davis, Jr.  
As its Mayor

Attest:

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Lena J. Bonner, Clerk of Commission

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

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**“Exhibit A”**

# RULES OF PROCEDURE

for the

AUGUSTA, GEORGIA  
COMMISSION

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## OPERATIONAL PROCEDURE

### **1.01 MEETING-Time and place; committees.**

1.01.01 Except for the months of April and July, Regular Commission meetings shall be held on the first and third Tuesday of each month at 2:00 p.m. in the Commission Chambers on the second floor of the Municipal Building. Except as otherwise provided by law, all meetings of the Commission shall be public meetings.

1.01.01(a) The first meeting in April of each year shall be held on the last week of the preceding March.

1.01.01(b) The first meeting in July of each year shall be held on the last week of the preceding June.

1.01.02 Regular Commission meetings for Executive Session matters and matters requiring urgent approval shall be held on the second and last Tuesday of every month at 11:00 a.m. in the Commission Chambers on the second floor of the Municipal Building.

1.01.02(a) Executive Session meetings shall be conducted in accordance with the Georgia Open Meetings Act.

1.01.03 Except for the months of April and July, all regular committee meetings shall be held on the second and last Tuesday of every month in the Lee N. Beard Commission Chamber beginning at 1:00 p.m. with the Public Services Committee starting first every time followed by an alphabetic rotation of the following committees Administrative Services, Engineering Services, Finance, Public Safety on a two-month rotation cycle.

1.01.03(a) The last committee meetings in March of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in March.

1.01.03(b) The last committee meetings in June of each year shall be cancelled and all items on such committees shall be forwarded to the last Commission meeting in June.

1.01.04 Other called meetings of the Commission and Committees and the subject, dates and time of these meetings may be scheduled as needed and notification of such meetings shall be provided to the public in advance as required by law.

1.01.05 If there is a necessity to change the time and date of the regular meeting of the Commission or Committees or of any specially called meetings or any executive session meeting, this shall be done by request of the Mayor or a majority of the members of the Commission, provided a majority of the Commissioners can attend the meeting which shall be held on a different day. Notice of the time and date change shall be provided to the Mayor and Commission.

1.01.06 The Commission may hold such additional meetings as shall be deemed necessary when called by the Mayor or a majority of the members of the Commission, provided all members shall have been notified at least twenty-four (24) hours in advance of the special meeting. Provided, further, that a majority of the Commission may convene the same in extraordinary session for emergency business, such a natural disaster or civic disturbance, whenever in their judgment it may be necessary.

1.01.07 An adjourned meeting is a continuation of the meeting immediately preceding, whether a regular or special meeting.

1.01.07(a) If a scheduled meeting of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or to a specific day scheduled by the Commission to allow for the completion of pending business.

1.01.07(b) In an adjourned meeting (regular or special), only business which would have been proper to consider at the immediately preceding meeting may be considered and acted upon at the adjourned meeting.

1.01.07(c) Adjourned meetings resume business under the same rules, limitations and rights as the immediately preceding meeting.

1.01.08 Any action taken at any committee meeting (other than to postpone the agenda item to the next, or a future, committee meeting) shall be placed on the agenda of the regular meeting, regular called meeting, or special meeting of the full Commission for approval of the action of the committee. In the event there is no quorum at a committee, all such items on such agenda shall be placed on the agenda of the next regular meeting of the full Commission.

## **1.02 QUORUM**

1.02.01 Seven (7) members of the Commission shall constitute a quorum for any meeting of the Augusta, Georgia Commission.

1.02.02 If a quorum is not present thirty (30) minutes following the scheduled hour for convening the meeting, the Chairman-Mayor or the Vice Chairman-Mayor Pro Tempore, or in their absence, the Administrator (or his/her designee), may adjourn the meeting until the next day. By unanimous consent of those Commissioners present, the meeting may be adjourned to another hour and day.

1.02.03 If during the meeting there ceases to be a quorum, all business must stop except that the Commission, by majority vote to be recorded in the minutes (naming those present at the time of the vote) may:

1.02.03(a) fix another day at which to reconvene;

1.02.03(b) adjourn and return at the next regular meeting;

1.02.03(c) recess to determine if a quorum will be present within a short period of time.

### **1.03 Chairman-Mayor.**

1.03.01 The Chairman-Mayor shall have the rights and privileges of the other Commissioners with respect to debate, but shall have the right (but is not obliged) to vote on any matter (excluding appointment of any Commissioner to a committee and excluding voting as a member of any Committee as provided in the Consolidation Act) only to break a tie or to create a tie. Additionally, his/her duties during meetings shall include:

1.03.01(a) presiding over meetings of the Commission;

1.03.01(b) calling the meeting to order at the scheduled hour;

1.03.01(c) determining that a quorum is present;

1.03.01(d) preserving decorum and order at all meetings,

1.03.01(e) making the Commissioners aware of the substance of each motion;

1.03.01(f) calling for each vote;

1.03.01(g) announcing the results of each vote;

1.03.01(h) calling for a recess at such times as deemed advisable.

1.03.02 The Chairman-Mayor shall exercise such other duties as prescribed in Consolidation Act or by ordinance.

**1.04 Vice Chairman-Mayor Pro Tempore.** A Vice Chairman-Mayor Pro Tempore shall be elected from among the district Commissioners at the first regular meeting in January of each odd-numbered year as provided in the Consolidation Act. The Vice Chairman-Mayor Pro Tempore shall serve for a period of two years and shall have all rights, privileges and duties of the chair in the absence of the chair (excluding the right to vote to create or break a tie), and in addition shall have the right to make motions and vote on any issue, including matters coming before any Committee of which he is a member. The Vice Chairman-Mayor Pro Tempore may succeed himself/herself, subject to the two consecutive term limitation contained in the Consolidation Act.

**1.05 Absence of Chairman-Mayor and Vice Chairman-Mayor Pro Tempore.** In the absence of the Chairman-Mayor and Vice Chairman-Mayor Pro Tempore, the Administrator shall determine whether a quorum is present. If a quorum is present, the Administrator shall call for the election of a temporary chair. The temporary chair shall preside over that meeting or until the

conclusion of the business immediately pending at the time the Chairman-Mayor or Vice Chairman-Mayor Pro Tempore arrives.

### **1.06 Minutes.**

1.06.01 All actions of the Commission, except for actions described in O.C.G.A. § 50-14-3 and § 50-14-4, (or as these sections may be amended from time to time), shall be accurately recorded by the Clerk (or his/her designee) in the minutes which minutes shall include:

1.06.01(a) all main motions, exactly as worded when adopted (including amendments or stipulations);

1.06.01(b) the name of the maker of all important motions;

1.06.01(c) disposition of all main motions, Whether

1.06.01(c)(1) adopted;

1.06.01(c)(2) defeated;

1.06.01(c)(3) referred to committee or to staff for further information or recommendations;

1.06.01(c)(4) held until a definite time;

1.06.01(c)(5) the vote of each Commissioner; and 1.06.01(c)(6) comments of Commissioners verbatim.

1.06.02 The minutes of meetings of the Commission shall, at a minimum, briefly describe all statements made and shall record the actions taken by the Commission. Any statement shall be recorded in full at the request of a member of the Commission. A member of the Commission may incorporate an additional statement when the minutes are read. The minutes shall be read before they are approved as soon as is possible or feasible but in no case later than the next regular meeting of the Commission.

1.06.03 The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes of each meeting shall indicate their subsequent approval/ correction. The minutes may be corrected whenever an error is noticed upon approval of the Commission regardless of the time which has elapsed since recording of the minutes.

1.06.04 The minutes shall be attested to by the Clerk or his/her designee.

### **1.07 Regular Agenda.**

1.07.01 All agenda items shall include all supporting documentation and such shall be submitted to the Clerk for inclusion on the agenda for all meetings of the Commission.

1.07.02 Subject to the limitation of Rule 1.07.08, the Administrator, any elected official and any member of the Commission shall have the right to have an item placed on the regular agenda of the Commission provided said item is submitted to the Clerk of Commission no later than 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting or any regular Committee meeting. An item may be added to the regular agenda after the 9:00 a.m. Thursday deadline with the unanimous consent of the commission members in attendance. Unanimous consent of the committee members present shall be required to add an item to a committee agenda after the 9:00 a.m. Thursday deadline.

1.07.03 The Clerk shall be responsible for assembling the agenda and distributing it to all Commissioners no later than Friday in advance of the scheduled meeting.

1.07.04 An item may be removed from the agenda after 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting with unanimous approval of the members of the Commission attending the regular meeting.

1.07.05 An item may be removed from the agenda prior to 9:00 a.m. on the Thursday prior to the Tuesday of the regular Commission meeting upon the request of the individual who was responsible for placing the item on the agenda.

1.07.06 No item pertaining to alcoholic beverage application shall be placed on the agenda within one (1) year from the date of the denial of the application by the Commission.

1.07.07 No item pertaining to zoning shall be placed on the agenda for the same zoning classification within one (1) year from the date of the denial of the application by the Commission.

1.07.08 If an item has appeared on the Commission Agenda and been defeated, or if no action is taken on an item, it shall not be considered again by the Commission until it has been discussed at the committee level.

## **1.08 Consent Agenda.**

1.08.01 All items contained in the consent agenda may be voted on *en gross*. Prior to the vote on the consent agenda, any Commissioner may withdraw an item from the consent agenda so that it shall be voted on individually.

1.08.02 A non-agenda item shall be defined as that which is deemed by a Commissioner to require urgent attention, but which has not been placed on the published agenda.

1.08.02(a) If a Commissioner requests that a non-agenda item be added to the consent agenda, he/she must provide the specific item, and the reasons immediate attention is required, to the Commission.

1.08.02(b) The unanimous consent of the Commissioners present at the meeting shall be required to add an item to the consent agenda.

## **1.09 Voting.**

1.09.01 All votes shall be taken by raised hand, except those which the chair handles through unanimous consent (i.e., "If there are no objections ... "), and unless there is a request for a roll-call vote. A single objection will require that a counted vote be taken. An affirmative vote of at least six (6) members of the Commission shall be required to adopt a motion, except where otherwise indicated.

1.09.02 Any Commissioner shall have the right to request a roll call vote on any issue, in which event the chair shall direct the Clerk to call the roll in alphabetical order, except that the Chairman-Mayor's name shall be called last and only when his vote will create or break a tie. As each Commissioner's name is called, such Commissioner shall vote either "yes" or "no" to the question presented. To verify the vote and to correct possible errors, the Clerk repeats the vote after each member responds to his name. At the conclusion of the roll call, the Chairman-Mayor can ask if anyone entered the room after his name was called. Changes of the vote are also permitted before the result is announced.

1.09.03 When an entire agenda "tab" has been moved to be voted upon by an *en gross* vote (see Section 3.01.05 herein), a Commissioner may, without discussion state that he/she is voting in the affirmative on all of the agenda items on that "tab" except certain ones which he/she will name by number. In such cases, the votes of the Commissioner(s) will be recorded as negative for the items named, unless the Commissioner abstains as provided in Section 1.09.06.

1.09.04 If a motion has been voted on without discussion and a Commissioner feels that it is necessary to explain his/her vote, he/she may have no more than one minute to give public reasons for his/her vote. The chair will not allow the Commissioner to repeat discussion that has already taken place at the same meeting, however.

1.09.05 A tie vote shall cause all procedural motions to be defeated. A tie vote on a main motion shall keep the motion as pending before the Commission and the motion shall be rescheduled for another time; Provided, however, the Chairman-Mayor shall have the right to vote to create or break a tie.

## **1.10 Public Participation in Commission Meetings.**

1.10.01 Persons wishing to address the Commission shall do so during the Public Comment portion of the agenda.

1.10.02 Subject to the limitations provided for herein, speakers will be allowed to appear before the Commission at the public comment session prior to the regular agenda with each speaker allotted a maximum of five (5) minutes for their presentation.

1.10.02(a) Persons seeking to complain about the performance or lack thereof of an employee of Augusta, Georgia shall submit such requests to the Administrator for resolution. Such requests for public comment will not be heard by the Commission or any committee.

1.10.02(b) Persons or businesses seeking to do business with Augusta, Georgia shall submit such requests to the Administrator for consideration in accordance with the requirements of the Procurement Code. Requests to make presentations for products or services will not be heard by the Commission or any committee except as permitted by the Procurement Code.

1.10.03 Each speaker must submit a request in writing, including his/her address, which will state the topic of discussion, to the Clerk's office no later than 9:00 a.m. on the Thursday preceding the next regularly scheduled Commission.

1.10.04 An extension of the five (5) minute limit per person may be granted upon the affirmative vote of six (6) members of the Commission.

1.10.05 If deemed advisable by the Chairman- Mayor, a written response to a speaker may be provided by the appropriate County staff within thirty (30) days. The Commission may respond verbally at the completion of any speaker's presentation.

1.10.06 After each individual speaker's remarks have concluded, the Chairman Mayor may, but shall not be required to, briefly respond, either personally or through another member of the Commission whom the Chairman-Mayor shall designate. In addition, when a request for special action or a grievance has been heard the matter will be referred to the Administrator (or his/her designee) who will prepare a response to the matter. If necessary, action on the matter for consideration of the Commission will be placed on the agenda for the second regular meeting following the date of the comment.

1.10.07 No speaker will be allowed to return on public comment on the same issue within a period of ninety (90) days; however a speaker may return on another issue following the policy and procedure.

1.10.08 All speakers, other than salaried members of the Augusta, Georgia staff, shall address the Commission in the following manner:

1.10.08(a) Stating name and address (address is required only if individual has not previously provided address to Clerk).

1.10.08(b) Stating whether he/she is speaking for himself/herself or for another;

1.10.08(c) Stating if he/she represents an organization and whether he/she is being compensated by the organization for whom he/she speaks;

1.10.08(d) Stating whether he/she or any member of his/her immediate family has a personal interest in the pending matter.

1.10.08(e) Stating his/her comments.

1.10.09 All remarks shall be to the Commission as a body and addressed through the chair. Remarks shall not be made to a particular Commissioner.

1.10.10 Questions from Commissioners, the Administrator, and/or the Augusta Richmond County Attorney may be made for clarification. However, no person shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the chair.

1.10.11 All remarks must be related to the issue on which the speaker has requested to be heard. No person shall be allowed to make impertinent, derogatory, offensive or slanderous remarks while addressing the Commission.

1.10.11(a) A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed "out of order";

1.10.11(b) Once barred for improper conduct, a speaker shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows;

1.10.11(c) In the event a speaker who is barred fails for improper conduct to obey the ruling, the chair may take such action as is deemed appropriate, including the removal of such person from the assembly;

1.10.11(d) The Commission may bar a person from addressing Commission meetings for up to sixty (60) days for improper conduct. A person barred by the Commission for this period may request a hearing by written request to the chair, which request shall state the reason(s) for a reversal of the decision. All requests for hearings shall be placed on the agenda and heard by the Commission. An affirmative vote of six (6) members of the Commission shall be required to overturn the previous decision to bar the persons.

1.10.11(e) If not otherwise recognized by the Chair, upon motion and the affirmative vote of six (6) members of the Commission, the Commission may allow public comment on an agenda item at the time the item is being considered by the Commission. These comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits can be waived by the affirmative vote of six (6) members of the Commission.

1.10.11(f) The Commission may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Commission. Hearings may be held immediately prior to or following a meeting of the Commission or at such other places and times as the Commission may determine. No official action shall be taken at any such public hearing.

### **1.11 Appointments by the Commission.**

1.11.01 Appointments shall be made as necessary. When it has been determined, by the Consolidation Act or other rule or manner, that it is the "right" or "turn" of a particular Commissioner to nominate a candidate for a position, such nominee must be elected by a majority of the Commission. If any nominee, however nominated, fails to receive a majority vote, alternate candidate(s) may be nominated until the position is filled by majority vote.

1.11.02 Any appointment to fill an expired or a new term on any board or commission, which appointment is made by the Commission, shall not have less than six (6) votes of approval.

**2.00 Decorum of Debate.** The following practices shall be followed in debate on motions and matters presented to the Commission.

### **2.01 Adherence to Agenda.**

2.01.01 In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the Commission.

2.01.02 All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman-Mayor and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner may not speak at a meeting until he or she has been recognized by the Chairman-Mayor unless speaking to make a motion. Any voting member (i.e., Commissioner) can make a motion at any point without needing recognition by the chair. All comments made by a Commissioner shall address the motion that is being discussed.

2.01.03 During these remarks a Commissioner must observe the same rules of decorum as those set forth in Section 2.02 below, and may be called to order by the Chairman-Mayor or another Commissioner if there is a breach of those rules.

2.01.04 A Commissioner may not interrogate another Commissioner, staff or citizens. No one shall attempt to enter into discussion with a Commissioner who has chosen to avail himself/herself of this opportunity to share his/her opinions with the public.

**2.02 Discussion of the Issue.** In discussion, a Commissioner may condemn the nature of likely consequences of the proposed measure in strong terms, but must avoid a discussion of personalities, and under no circumstances may he/she attack or question the motives of another

Commissioner or staff. The issue, and not a person, shall be the item under discussion. Any Commissioner wishing to discuss an issue shall be allowed to do so; however, discussion of any particular issue by any particular Commissioner shall be limited to two (2) minutes of discussion and one (1) minute of rebuttal, unless debate is extended by the chair or by motion as provided in Section 3.04.05 hereof.

**2.03 Call to Order, Remarks.** The chair shall immediately call as "out of order" any remarks made outside the issue being addressed. Additionally, another Commissioner may call this breach of procedure to the attention of the chair and other Commissioners. In either case, the speaking Commissioner shall be required to continue with his/her remarks confined to the issue.

**2.04 Discussion Through the Chair.** All discussion shall be made through the chair, and one Commissioner may not interrogate another Commissioner or person speaking from the public except through the chair (or with the permission of the chair).

**2.05 Disruptions.** During discussion or voting, no Commissioner shall disturb the other Commissioners in any way that may be considered disruptive to the proceedings or that may hamper the transaction of business by the Commission.

**2.06 Call to Order, Action.** The chair may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the chair. The Chairman-Mayor shall say, "Commissioner/speaker, those remarks are out of order. Please cease this line of comment and make appropriate comment to the issue."

## **2.07 Call of "Out Of Order".**

2.07.01 If a member of the Commission refuses to comply with these Rules of Procedure the following procedure shall be used:

2.07.01(a) The Commissioner shall be "called to order" by the chair, who shall say, "Commissioner \_\_\_\_\_ [using name], you are now out of order. If you persist a reprimand will be entered into the record."

2.07.01(b) If a Commissioner defies the ruling of the chair, the Chairman Mayor shall state, "Commissioner, you are personally out of order. Let the record indicate a reprimand against Commissioner \_\_\_\_\_. Commissioner \_\_\_\_\_, you have a right at this time to appeal the ruling of the chair by asking that a roll call vote of the Commissioners present be taken and a statement by each Commissioner be recorded as to why he/she is for or against the ruling of the chair. A majority vote of the members of the Commission present shall govern."

## **3.00 Procedure in Meetings.**

### **3.01 Motions.**

3.01.01 In order for the Commission to take any official action on any subject, a Commissioner must propose a Main Motion or there must be a Recommended Main Motion, as provided in Section 3.01.02(a). A proposed Main Motion must be seconded before there will be discussion on the motion. A second does not require the Commissioner seconding the motion to support the motion. A Commissioner may withdraw a Main Motion that he has made as provided in Section 3.01.04 hereof, at any time before the Commission has voted on that motion. Prior to taking a vote, the chair shall state the motion (or resolution) or its substance, or he/she may call upon the Clerk or secretary to do so.

3.01.02 If the motion presented contains two (2) or more parts capable of standing as separate motions, a Commissioner may move to "Divide the Motion." This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."

3.01.03 If a main motion is in the form of a resolution or document containing several paragraphs or sections which are not separate motions but could be discussed more efficiently if discussed in sections, a motion to Discuss by Paragraphs, Sections, or Numbered Agenda Items under a "tab," may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, sections, or numbered agenda items under a 'tab'."

3.01.04 Once a motion has been moved and seconded, it belongs to the entire Commission and not to the maker of the motion; therefore, if a Commissioner wishes to Withdraw a motion that is officially before the Commission, action of the Commission must be taken in either of the following ways:

3.01.04(a) The chair may ask the Commission if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn by unanimous consent, without the need for the seconder to withdraw his/her second;

3.01.04(b) If there is an objection to the motion being withdrawn, then the chair shall take an official vote on the "motion to withdraw the motion", a second being required. A majority vote shall be required to adopt the motion to "withdraw the motion."

3.01.05 If a Commissioner feels that time could be saved by acting on all of the agenda items under a "tab," he/she may move that it be "Considered *en Gross*." (See Section 1.08.02.)

3.01.06 When several alternatives need to be considered (such as staff recommendations that propose various options for the Commission to consider), unlimited choices may be considered by "Filling the Blank" in the motion:

3.01.06(a) No Commissioner may suggest more than one proposal for filling the blank without unanimous consent from the other Commissioners;

3.01.06(b) Each proposal shall be debatable and shall be treated as an independent item to be voted on separately until one has been approved by a majority. As soon as one proposal has received a majority, no others shall be considered;

3.01.06(c) Alternatives (from staff recommendations and/or suggestions by Commissioners) are listed in logical order for voting:

3.01.06(c)(1) Names are listed in the order in which they were proposed,

3.01.06(c)(2) Other proposals are listed in the order of their probable acceptability, beginning with the least popular choice.

### **3.02 Main Motions.**

3.02.01 A main motion is a motion whose introduction brings business before the Commission.

3.02.01(a) Recommended Main Motions- A recommendation from staff, or another item published in the agenda for action, shall be handled as an Recommended Main Motion by the chair. That is, the chair shall, upon the conclusion of a report, state, "The question (or motion) before you is ... " (stating the motion in the affirmative). No second will be required in these instances and the chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she so wishes.

### **3.03 Ranking of Motions.**

3.03.01 Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt motion of lower precedence. The higher motion must be decided before the Commission returns to consider the motion of lower precedence.

3.03.02 A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this Section. Motions at the top of the following list take precedence over motions at the bottom of the list.

#### ***HIGHEST RANK:***

##### **PRIVILEGED MOTIONS (Undebatable)**

1. Adjourn
2. Recess
3. Question of Privilege

##### **SUBSIDIARY MOTIONS (Undebatable)**

4. Lay on the Table (Postpone)

- Temporarily)  
5. Vote Immediately (Previous Question)  
6. Limit Debate or Extend

#### SUBSIDIARY MOTIONS (Debatable)

7. Postpone to a Time Certain (Postpone Definitely)  
8. Refer to Committee (Commit)  
9. Amend  
10. Postpone Indefinitely

#### OTHER MOTIONS

##### *LOWEST RANK-*

11. Main Motion

**3.04 Subsidiary Motions.** During the course of debate, Commissioners may introduce motions that propose that the Commission take a particular action on a main motion. These motions are called subsidiary motions and they allow the Commission to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motion, Amend, Limit Debate, and Vote Immediately, also can apply to other subsidiary motions.

3.04.01 Postpone indefinitely. If a Commissioner believes that the main motion should not be considered by the Commission, that Commissioner may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated, but it can be amended. A majority vote of the Commission is required for the motion to pass.

3.04.02 Amend. If a Commissioner believes that a main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended. A motion cannot be amended more than two times. Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the Commission to adopt an amendment. If the amendment is adopted then the Commission shall consider the amended version of the motion. Concerning the amending of particular motions:

3.04.02(a) If a Commissioner feels that the main motion might be more acceptable stated other than as presented, the Commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. A substitute motion shall be treated as a motion to amend. Such proposed amendments shall be handled in one of the following ways:

3.04.02(a)(1) by unanimous consent of the Commissioners; the chair, or another Commissioner, through the chair, may suggest changes or stipulations, and if there are no objections from the Commissioners, the motion shall be amended by unanimous consent.

3.04.02(a)(2) with a second, discussion and a majority vote on the proposed amendment.

3.04.02(b) If a proposed amendment fails to obtain unanimous consent or a majority vote, the main motion considered shall be the one originally presented.

3.04.02(c) An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.

3.04.02(d) Improper amendments shall be:

3.04.02(d)(1) one(s) which are not germane,

3.04.02(d)(2) one(s) which would make the adoption of the amended motion equivalent to a rejection of the motion;

3.04.02(d)(3) one(s) which are, in the opinion of the Chairman Mayor, frivolous or absurd.

3.04.03 Refer to A Committee (Commit). If a Commissioner believes that further information is needed before the Commission can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the Commission. A motion to refer shall require a second and shall be debatable only as to whether or not it shall be referred, to whom it shall be referred, or when the person to whom it is referred shall report back. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer. This motion is amendable. A majority vote is required for the motion to pass.

3.04.04 Postpone to a Time Certain (Postpone Definitely). A motion to postpone to a certain time may be proposed if a Commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. It is debatable and can be amended. A motion to hold to a time certain shall require a second and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold to a time certain. If this motion is passed, the Chairman-Mayor will bring the original motion back to the Commission for consideration at the specified time which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote of the Commission is required for the motion to pass.

3.04.05 Limit or Extend Limits of Debate. A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the Commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion. A majority vote of the Commission is required for the motion to pass.

3.04.06 Vote Immediately (Call The Question). A Commissioner may move to "call the question" (i.e., move to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall not require a second and no discussion on the motion shall be allowed. If there is no objection, then it will be presumed there is unanimous consent. Should there be an objection, an affirmative vote of a majority of the Commission shall be required.

3.04.07 Lay on the Table (Postpone Temporarily). A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to Resume Consideration is accepted by the Commission during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote of the Commission is required for the motion to pass.

**3.05 Privileged Motions.** Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

3.05.01 Question of Privilege. A formal question addressed to the chair concerning the rights of a Commissioner or of the Commission as a whole is referred to a question of privilege. It does not require a second and cannot be debated or amended. The chair is required to make a ruling on the question, and no vote is required unless a motion arises out of the privilege.

3.05.01(a) If any matters occur which impede the Commission's completion of its business (e.g., noise, mechanical difficulties with equipment, matters that affect the safety, orderliness, or comfort of the Commissioners, or affecting the honor of an individual Commissioner) any Commissioner may state to the Chairman Mayor that he/she has a question of privilege and the matter must be addressed before the pending business of the Commission continues.

3.05.02 Recess. A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. A recess may be taken as it appears on the agenda or as it is declared by the chair when he/she deems it advisable or by a motion from a Commissioner. The motion must specify the length of the recess. The motion must also be seconded. Debate is not

allowed on this motion, but the motion can be amended. A majority vote is required for the motion to pass.

3.05.03 Adjourn. The highest ranking motion shall be the motion to adjourn, requiring a second and a majority vote with no discussion allowed, except that the motion shall contain a time to hear any non-completed items on the agenda, if such exist. If all business on the agenda has been completed, the chair may assume the motion and, without a second, obtain unanimous consent to adjourn.

**3.06 Incidental Motions.** Incidental motions allow Commissioners to exert their rights as a member of the Commission. Incidental motions can be introduced at any time during a meeting.

3.06.01 Appeal. Whenever a Commissioner believes that the chair is mistaken in a ruling, a Commissioner may Appeal the Chair's Decision. An appeal shall require a second and shall be debatable with the chair speaking first to explain his/her ruling. The chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:

3.06.01(a) in response to a parliamentary inquiry or point of information; or

3.06.01(b) in areas that challenge verifiable rulings of a factual nature.

3.06.01(c) The chair shall state the motion as Shall the Chair's decision be sustained? A tie vote shall sustain the chair, because a majority vote of the Commission shall be required to overturn the chair's ruling. An Appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.02 Parliamentary Inquiry. A Parliamentary Inquiry is a question directed to the chair to obtain information on a matter of parliamentary law or the rules of the Commission. This question should take the form of a parliamentary inquiry and should relate to the current business of the Commission. The chair will answer such questions or may ask the Augusta, Georgia Attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the Augusta Richmond County Attorney or parliamentarian, is an opinion, not a ruling. If a Commissioner does not agree with the chair's opinions he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the chair's ruling. The chair is not obligated to respond to hypothetical questions.

3.06.03 Point of Order (Question of Order). If a Commissioner believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the Commission to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or by a motion to lay on the table.

3.06.04 Point of Information (Request for Information). If a Commissioner has a question about the facts of a particular issue that is being considered, he may ask a point of information. A Point of Information is a request, directed to or through the chair, for information relevant to the business at hand, but not related to parliamentary procedure. This motion is addressed first to the appropriate person. A second is not required, and the motion is not debatable or amendable.

**3.07 Supplementary Main Motions.** Three motions allow the Commission to act on a main motion that has either been passed or tabled by the Commission. These motions are considered to be main motions but differ from usual main motions in the ways specified.

3.07.01 Reconsider. The motion to reconsider allows the Commission to debate whether or not to overturn a decision made at the meeting that is in progress. It allows the Commission to consider new information that may affect the decision that has already been made. Any Commissioner can make a motion to reconsider and any Commissioner may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the Commission is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the Commission will return to debate and revote the original motion.

3.07.02 Rescind. A motion to rescind proposes that the Commission overturn a motion passed at a previous meeting. A motion to rescind can be made by any Commissioner. It is in order as long as the original motion has not been implemented, but the motion to rescind shall not be in order if:

3.07.02(a) the motion to rescind is made, at the same meeting in which the action was taken;

3.07.02(b) a motion to reconsider was taken and lost;

3.07.02(c) the matter is routine and only part of the action needs to be changed, in which case the motion to "amend a previously adopted action" shall be used;

3.07.02(d) something has been done as a result of the vote to implement the earlier action adopted. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the Commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the Commission shall debate and vote on revision. A majority vote of the Commission is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

3.07.03 Resume Consideration. The motion to resume consideration allows the Commission to consider a motion that has been temporarily postponed. This motion

requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.

**4.00 Actions of the Commission.** All communications to persons, firms or corporations affected by actions taken at a called or regular meeting of the Commission shall be made by the Administrator for Augusta, Georgia, informing them of the action taken.

#### **4.01 Ordinances and Resolutions.**

4.01.01 Every ordinance or resolution proposed for adoption by the Commission shall be introduced in writing and the caption of each ordinance shall be read previous to the adoption of the ordinance, unless some member of the Commission shall then and there demand that the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance. No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revisions of ordinances and resolutions of the Commission.

4.01.02 Except for emergency ordinances under subsection 4.01.03 of this section or ordinances amending the Zoning Map for Augusta, Georgia, or upon a unanimous vote of the Commission, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. A resolution may be adopted at the same meeting at which it is introduced. The affirmative vote of at least six (6) members of the Commission shall be required for the adoption of any ordinance or resolution; Provided, however, a vote of two-thirds of the Commission, excluding the Chairman Mayor, shall be required to change any provision of the Consolidation Act as required by said Consolidation Act. The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Commission voting for and against each proposed ordinance or resolution or amendment thereto shall be entered in the minutes of the proceedings of the Commission.

4.01.03 To meet a public emergency threatening life, health, property, or public peace, the Commission may adopt emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to levy taxes, or to grant, renew or extend a franchise, or to regulate the rate charged for any public utility or service, or to authorize the borrowing of money. An emergency ordinance or resolution shall be in the form prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain a declaration stating what emergency exists. An emergency ordinance or resolution may be adopted with or without amendment or may be rejected at the meeting at which it is introduced, but the affirmative vote of at least six (6) members of the Commission shall be required for its adoption. It shall become effective upon adoption or at such later time as it may specify.

4.01.04 The caption of each ordinance shall be read once previous to the adoption of the ordinance. All readings of every ordinance shall be by reading the caption of such ordinance only, unless some member of the Commission shall then and there demand that

the entire ordinance be read. Upon such demand being made, the clerk shall read the entire ordinance.

**4.02 Signing, Authentication, and Recording.** Every ordinance or resolution adopted by the Commission shall be submitted to the Chairman-Mayor for his/her signature as promptly as practicable following its adoption. The Clerk of the Commission shall authenticate by the Clerk's signature and cause to be recorded in full all ordinances and resolutions adopted by the Commission and signed by the Chairman Mayor or otherwise becoming law in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Commission shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Commission may require.

**4.03 Publication of Ordinances, Notices, etc.** It shall be the duty of the Chairman-Mayor to have published in the official gazette or newspaper of Augusta, Georgia the ordinances of the Commission, the proclamations of the Chairman-Mayor and all other official notices of either the Commission or the Chairman-Mayor ordered to be published by them, respectively; also, such other matters as the Chairman-Mayor may deem advisable to publish. The ordinances of the Commission shall be published one time; all other matters shall be published such number of times as the Commission or the Chairman-Mayor may direct. The Chairman Mayor shall have published in such official gazette or newspaper only the captions of the ordinances of the Commission and shall not have the bodies of such ordinances published.

**5.00 Parliamentarian.** The Augusta, Georgia Attorney or his/her designee shall serve as parliamentarian and shall advise and assist the chair and the Commission in matters of parliamentary law. A professional parliamentarian may be consulted as deemed necessary.

**6.00 Parliamentary Authority.** The latest edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern meetings of the Augusta, Georgia Commission in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners, or with higher law.

**7.00 Amendments.** These Rules may be amended by a majority of the entire Commission at a regular meeting or special meeting of the Augusta Richmond County Commission, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

## **APPENDIX**

### **Parliamentary Definitions**

The following parliamentary definitions apply to the RULES OF PROCEDURE FOR THE Augusta, Georgia Commission

adjourn - to officially terminate a meeting

adjourned meeting - a meeting that is a continuation at a later time of a regular or special meeting

adopt - to approve or pass by whatever vote is required for the motion affirmative vote - a vote in favor of the motion as stated

agenda - the official list of items of business planned for consideration during the meeting

approval of minutes - formal acceptance of the record at a meeting, thus making this record the official minutes of the Commission

chair - the Chairman-Mayor or Vice Chairman- Mayor Pro Tempore

Code of Conduct - The Richmond County Code of Conduct

Commission - the Augusta, Georgia Commission

Commissioner - any of the ten members serving on the Commission elected from the ten (10) districts established by the Consolidation Act

Commission parliamentary rules- the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization does not include statutory law or particular rules adopted by any organization or Commission

Consolidation Act - the Act consolidating the City Council of Augusta and Richmond County found in 1995 Ga. Laws p. 3648

convene - to open a meeting

debate - formal discussion of a motion under the rules of parliamentary law and more often herein referred to as discussion

defer or hold - to delay action by referring the motion to staff (or an agency, committee, etc.) for more information, or by postponing a vote to a certain time

demand - an assertion of a parliamentary right by a Commissioner dilatory motions or tactics - misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting

floor - when a person receives formal recognition from the chair, he/she "has the floor" and is the only person entitled to speak

germane amendment - an amendment relating directly to the motion to which it is applied

germane discussion - discussion relating directly to the matter involved

hearing - a meeting for the purpose of listening to the views of an individual or of a particular group on a particular subject in order - permissible and right from a parliamentary standpoint

majority vote - an affirmation vote of at least six (6) Commissioners or the vote of five (5) Commissioners and the vote of the Chairman-Mayor in the event of a tie

minutes - the legal record of the action of the Commission after the record has been approved by vote of the body

motion - a proposal submitted to the Commission for its consideration and decision; it is introduced by the words, "I move that ... "

objection - the formal expression of opposition to a proposed action

order of business - the adopted order in which the business is presented to the meeting of the Commission

out of order - not correct, from a parliamentary standpoint, at the particular time

parliamentary authority - the code of procedure adopted by the Commission as its parliamentary guide, governing in all parliamentary situations not otherwise provided for in the Consolidation Act, the Code of Richmond County, the Code of the City of Augusta, or other governing Bodies

pending motion - sometimes referred to as pending question; a motion that has been proposed and stated by the chair for the Commission's consideration and that is awaiting decision by vote

precedence - the order or priority governing the motion

precedent - a course of action that may serve as a guide or rule for future similar situation

procedural motion - motion to assist the Commission in treating or disposing of a main motion; or, motion relating to the pending business otherwise at hand

proposal or proposition - a statement of a motion of any kind for consideration and action

O.C.G.A. - Official Code of Georgia Annotated

quorum - the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; seven (7) members of the Commission shall constitute a quorum for any meeting of the Augusta, Georgia Commission

recognitions - acknowledgement by the chair, giving a person sole right to speak

reconsider - to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

request - a statement to the chair asking a question or some "right"

rescind - to nullify or cancel out a previous action, cannot be made if action has already been taken to implement the motion it wishes to rescind

resolution - a formal motion, usually in writing, and introduced by the word "resolved" that is presented to the

Commission for a decision ruling - the chair's decision as it relates to the procedure of the Commission

second - a Commissioner's statement that he/she is willing to have the motion considered

seriatim - consideration by sections or paragraphs

statute - a law passed by the Georgia legislature

technical inquiry - request for information relevant to the business at hand

tie vote - a vote in which the affirmative and negative votes are equal on a motion

unanimous consent - deciding on a motion without voting on it but where no Commissioner voices objection, with a single objection a vote must be taken

unfinished business - any business that is postponed definitely to a time certain

Note-The Rules of Procedure for the conduct of parliamentary business coming before the Augusta, Georgia Commission were first adopted by the Commission in 1996.  
Secs. 1-2-14-1-2-25. Reserved.



**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Amendment of Commission Meeting Procedures**

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|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>       | Law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Presenter:</b>        | Law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Caption:</b>          | Motion to approve an amendment to the AUGUSTA, GA CODE Section 1-2-13 (Rules of Procedure), Section 2.01.02 to clarify that any voting member of the Commission is permitted to a make a motion at any point, without needing recognition by the Chair, during any public meeting of the Commission, to become effective upon approval. (Approved by Commission September 3, 2019)                                                                                                                                                                                                                                                                                                   |
| <b>Background:</b>       | <p>Currently, Augusta, GA Code Section 1-2-13 (Rules of Procedure), Section 2.01.02, establishes that “a Commissioner may not speak at a meeting until he has been recognized by the Chairman-Mayor.” At the Commission regular meeting held on September 3, 2019 the Augusta Commission passed a motion “to approved that any voting member of this body can make a motion at any point without being recognized by the Chair.”</p> <p>Attached is AN ORDINANCE TO AMEND AUGUSTA, GA CODE SECTION 1-2-13 (RULES OF PROCEDURE) TO ALLOW ANY VOTING MEMBER OF THE AUGUSTA COMMISSION TO MAKE A MOTION AT ANY POINT WITHOUT BEING RECOGNIZED BY THE CHAIR; AND FOR OTHER PURPOSES.</p> |
| <b>Analysis:</b>         | The Commission deems that every voting member of the Augusta Commission shall have the opportunity to make a motion, at any time, during a public meeting and such motions shall be governed by the Commission’s Rules of Procedure.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Financial Impact:</b> | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Alternatives:</b>     | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Recommendation:</b>   | Approval of Motion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

**Funds are  
Available in the  
Following  
Accounts:**      None

**REVIEWED AND APPROVED BY:**

**Finance.  
Law.  
Administrator.  
Clerk of Commission**

---

## Lena Bonner

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**From:** Mayor Hardie Davis, Jr.  
**Sent:** Thursday, September 12, 2019 8:24 AM  
**To:** Lena Bonner  
**Cc:** Marcus Campbell; Latisha McMillan; Natasha L. McFarley  
**Subject:** Commission Agenda Items for September 17 2019

Ms. Bonner:

Good morning. Please add the following items to the full Commission Agenda per the subject:

1. Update regarding the BH3 City Leadership Initiative and the benefits to the City of Augusta
2. Discuss Smart City Augusta Initiatives
3. Discuss Homeless Initiatives for the City of Augusta currently being implemented and what additional things can be done to positively impact the lives of the homeless community

Respectfully,

Hardie Davis, Jr.  
Mayor City of Augusta Georgia  
Mayordavis@augustaga.gov  
706.821.1831 office

---

This e-mail contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. The City of Augusta accepts no liability for the content of this e-mail or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. Any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the City of Augusta. E-mail transmissions cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the content of this message which arise as a result of the e-mail transmission. If verification is required, please request a hard copy version.

AED:104.1



**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
BH3 City Leadership Initiative**

---

**Department:**

**Presenter:** Mayor Hardie Davis, Jr.

**Caption:** Update regarding the BH3 City Leadership Initiative and the benefits to the City of Augusta. **(Requested by Mayor Hardie Davis, Jr.)**

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

---

## Request for Qualifications

Request for Qualifications will be received at this office until **Thursday, May 30, 2019 @ 3:00 p.m.** for furnishings for:

**RFQ Item #19-231      Comprehensive Space Needs Plan – Augusta, GA – Central Services Department – Facilities Maintenance**

RFQs will be received by: The Augusta Commission hereinafter referred to as the OWNER at the offices of:

Geri A. Sams, Director  
Augusta Procurement Department  
535 Telfair Street - Room 605  
Augusta, Georgia 30901

RFQ documents may be viewed on the Augusta Georgia web site under the Procurement Department **ARCbid**. RFQ documents may be obtained at the office of the Augusta, GA Procurement Department, 535 Telfair Street – Room 605, Augusta, GA 30901.

**A Mandatory Pre Qualifications Conference will be held on Tuesday, May 14, 2019, @ 3:00 p.m. in the Procurement Department, 535 Telfair Street, Room 605, Augusta, Georgia 30901.**

**All questions must be submitted in writing by fax to 706 821-2811 or by email to [procbidandcontract@augustaga.gov](mailto:procbidandcontract@augustaga.gov) to the office of the Procurement Department by Thursday, May 16, 2019 @ 5:00 P.M. No RFQ will be accepted by fax, all must be received by mail or hand delivered.**

No RFQ may be withdrawn for a period of ninety (90) days after bids have been opened, pending the execution of contract with the successful bidder(s).

***Request for Qualifications (RFQ) and specifications.*** An RFQ shall be issued by the Procurement Office and shall include specifications prepared in accordance with Article 4 (Product Specifications), and all contractual terms and conditions, applicable to the procurement. **All specific requirements contained in the request for proposal including, but not limited to, the number of copies needed, the timing of the submission, the required financial data, and any other requirements designated by the Procurement Department are considered material conditions of the bid which are not waivable or modifiable by the Procurement Director.** All requests to waive or modify any such material condition shall be submitted through the Procurement Director to the appropriate committee of the Augusta, Georgia Commission for approval by the Augusta, Georgia Commission. Please mark RFQ number on the outside of the envelope.

Proponents are cautioned that acquisition of RFQ documents through any source other than the office of the Procurement Department is not advisable. Acquisition of RFQ documents from unauthorized sources places the proponent at the risk of receiving incomplete or inaccurate information upon which to base their qualifications.

**Correspondence must be submitted via mail, fax or email as follows:**

**Augusta Procurement Department  
Attn: Geri A. Sams, Director of Procurement  
535 Telfair Street, Room 605  
Augusta, GA 30901  
Fax: 706-821-2811 or Email: [procbidandcontract@augustaga.gov](mailto:procbidandcontract@augustaga.gov)**

GERI A. SAMS, Procurement Director

Publish:

Augusta Chronicle      April 18, 25, May 2, 9, 2019  
Metro Courier          April 18, 2019



**RFQ Opening**  
**RFQ Item #19-231**  
**Comprehensive Space Needs Plan**  
**for the Augusta, GA – Central Services Department-**  
**Facilities Maintenance Division**  
**RFQ Due: Thursday, May 30, 2019 @ 3:00 p.m.**

Total Number Specifications Mailed Out: 18  
 Total Number Specifications Download (Demandstar): 3  
 Total Electronic Notifications (Demandstar): 280  
 Georgia Procurement Registry: 2138  
 Mandatory Pre Qualifications Conference Attendees: 11  
 Total packages submitted: 6  
 Total Noncompliant: 6

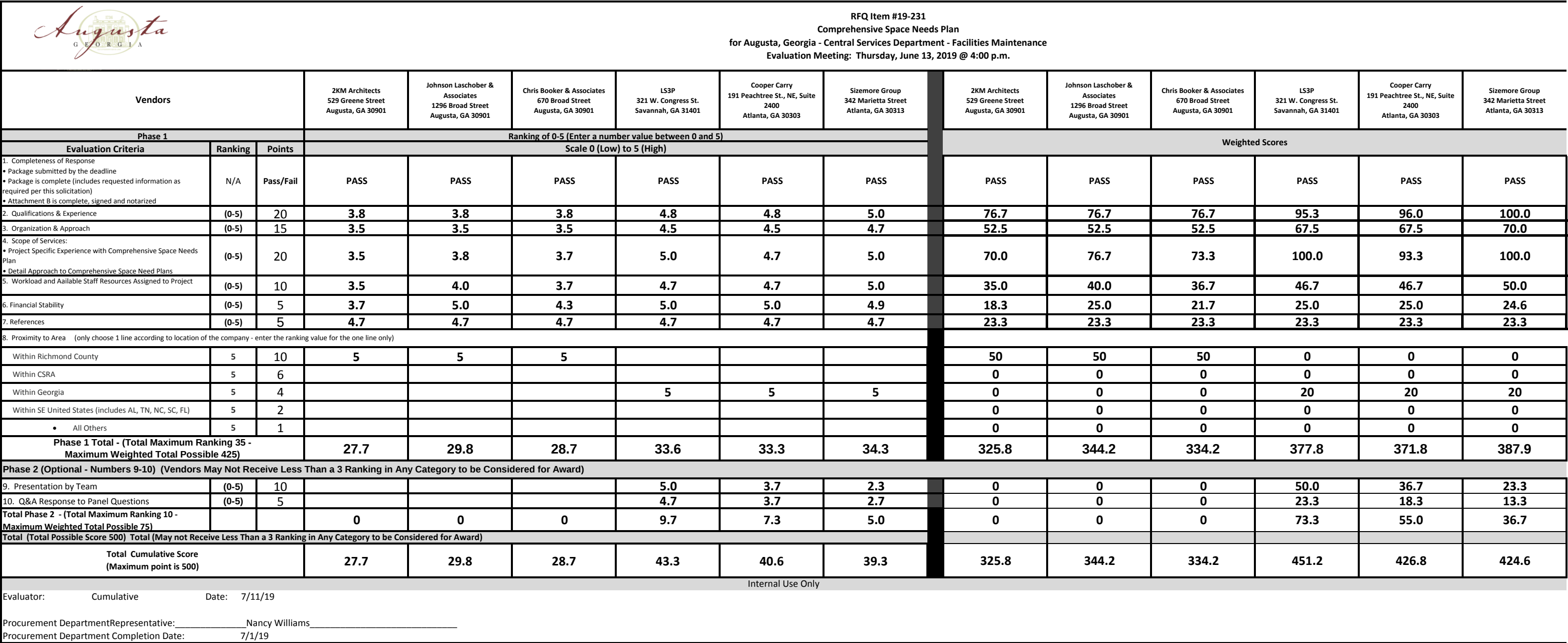
| VENDORS                                                                                         | Attachment<br>"B" | E-Verify<br>Number | SAVE<br>Form | Addendum 1 | Original | 7<br>Copies |
|-------------------------------------------------------------------------------------------------|-------------------|--------------------|--------------|------------|----------|-------------|
| Studio 3 Design Group<br>1617 Walton Way<br>Augusta, GA 30904                                   |                   |                    |              |            |          |             |
| 2KM Architects<br>529 Greene Street<br>Augusta, GA 30901                                        | Yes               | 312290             | Yes          | Yes        | Yes      | Yes         |
| Johnson Laschober &<br>Associates<br>1296 Broad Street<br>Augusta, GA 30901                     | Yes               | 226309             | Yes          | Yes        | Yes      | Yes         |
| Chris Booker &<br>Associates<br>670 Broad Street<br>Augusta, GA 30901                           | Yes               | 667907             | Yes          | Yes        | Yes      | Yes         |
| Axis<br>1111 Cambridge Sq.<br>Alpharetta, GA 30009                                              |                   |                    |              |            |          |             |
| LS3P<br>321 W. Congress St.<br>Savannah, GA 31401                                               | Yes               | 177991             | Yes          | Yes        | Yes      | Yes         |
| Pond/Flynn Finderup<br>Architecture<br>1301 Gervais Street,<br>Suite 1300<br>Columbia, SC 29201 |                   |                    |              |            |          |             |
| Cooper Carry<br>191 Peachtree St., NE,<br>Suite 2400<br>Atlanta, GA 30303                       | Yes               | 122329             | Yes          | Yes        | Yes      | Yes         |
| Sizemore Group<br>342 Marietta Street<br>Atlanta, GA 30313                                      | Yes               | 211424             | Yes          | Yes        | Yes      | Yes         |



**RFQ Opening**  
**RFQ Item #19-231**  
**Comprehensive Space Needs Plan**  
**for the Augusta, GA – Central Services Department-**  
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| VENDORS                                                                    | Attachment<br>"B" | E-Verify<br>Number | SAVE<br>Form | Addendum 1 | Original | 7<br>Copies |
|----------------------------------------------------------------------------|-------------------|--------------------|--------------|------------|----------|-------------|
| Veterans 1st<br>Architecture<br>110-A N Louisville St.<br>Harlem, GA 30814 |                   |                    |              |            |          |             |



'19 AUG 29 PM 5:06



## Central Services Department

Takiyah A. Douse, Director  
Rick Acree, AIA - Project Manager

2760 Peach Orchard Road, Augusta GA 30906  
(706) 821-2426 Phone (706) 799-5077 Fax

### MEMORANDUM

*RAA*

**TO:** Ms. Geri Sams, Director, Procurement Department  
**THROUGH:** *RAA* Mrs. Takiyah A. Douse, Director, Central Services Department  
**DATE:** August 29, 2019  
**SUBJECT:** RFQ #19-231 Comprehensive Space Analysis - Recommendation

---

Six Statements of Qualifications (SOQ) for the referenced RFQ were received on May 30, 2019.

The evaluation team convened on June 13, 2019 to review the information provided by prospective vendors outlining their team configuration and qualifications relative to meeting the work required under this RFQ. Three firms were selected to make presentations in person to the team for further consideration.

Presentations were made on July 11, 2019. The team scored the presentations in accordance with the selection criteria set forth in the RFQ and judged LS3P out of Savannah to Terracon Consultants of Lawrenceville, Georgia was judged to be the best qualified to perform the scope of work established under our RFQ.

In accordance with Procurement Guidelines, Central Services met with LS3P to review the project scope and expectations and to determine an acceptable fee. LS3 proposed a fee of \$118,000.00, which is well within the anticipated project budget.

Central Services recommends award of this contract to LS3P and respectfully requests that Procurement obtain any additional paperwork from the vendor required under this RFQ. Please let us know when this information is in hand so that we can prepare the agenda item for Commission consideration.

Thank you for your assistance in securing this proposal. Please do not hesitate to call if you have any questions or need additional clarification.

Cc: Takiyah A. Douse  
Tony McDonald

**Sec. 1-10-47. Request for qualifications; pre-qualifications of contractors.**

- (a) The Procurement Director, in consultation with the Administrator and using agency head may determine that it shall be in the best interest of Augusta, Georgia to pre-qualify offerors for contracts of a particular type. The imposed standards shall be met by any contractor who wishes submit a bid or proposal for the subject project. The contractor shall submit required data in order to obtain a fair and impartial determination of whether the pre-qualification standards have been met. When pre-qualification is required, only those contractors who submit the required pre-qualification information and who are actually pre-qualified to submit a bid or proposal for the proposed solicitation.
- (b) *Public notice.* Public notice of pre-qualification shall be given in the same manner as provided in section 1-10-50 (c).
- (c) *Pre-qualification standards.* The Procurement Director and affected using agency heads shall review all information submitted by the suppliers and, if necessary, require additional information. The standards set for pre-qualification shall include but not be limited to factors set forth in section 1-10-50-Sealed Bids; Bid Acceptance and Bid Evaluation or section 1-10-52-Sealed Proposals; Evaluation and Selection. If the Procurement Director and Administrator determine that the contractor meets all standards, then the contractor shall be so pre-qualified. The contractor shall be notified in writing.
- (d) *Failure to pre-qualify.* Should a contractor not be pre-qualified, appropriate written notice shall be sent and the contractor may appeal such determination as provided in Article 9.
- (e) In no instance shall a contract be awarded from the solicitation of request for qualifications.

**Sec. 1-10-51. Request for proposals.**

Request for proposals shall be handled in the same manner as the bid process as described above for solicitation and awarding of contracts for goods or services with the following exceptions:

- (a) Only the names of the vendors making offers shall be disclosed at the proposal opening.

FYI: Process Regarding Request for Qualifications

- (b) Content of the proposals submitted by competing persons shall not be disclosed during the process of the negotiations.
- (c) Proposals shall be open for public inspection only after the award is made.
- (d) Proprietary or confidential information, marked as such in each proposal, shall not be disclosed without the written consent of the offeror.
- (e) Discussions may be conducted with responsible persons submitting a proposal determined to have a reasonable chance of being selected for the award. These discussions may be held for the purpose of clarification to assure a full understanding of the solicitation requirement and responsiveness thereto.
- (f) Revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers.
- (g) In conducting discussions with the persons submitting the proposals, there shall be no disclosure of any information derived from the other persons submitting proposals.

**Sec. 1-10-52. Sealed proposals.**

- (a) *Conditions for use.* In accordance with O.C.G.A. § 36-91-21(c)(1)(C), the competitive sealed proposals method may be utilized when it is determined in writing to be the most advantageous to Augusta, Georgia, taking into consideration the evaluation factors set forth in the request for proposals. The evaluation factors in the request for proposals shall be the basis on which the award decision is made when the sealed proposal method is used. Augusta, Georgia is not restricted from using alternative procurement methods for obtaining the best value on any procurement, such as Construction Management at Risk, Design/Build, etc.
- (b) *Request for proposals.* Competitive sealed proposals shall be solicited through a request for proposals (RFP).
- (c) *Public notice.* Adequate public notice of the request for proposals shall be given in the same manner as provided in section 1-10- 50(c)(Public Notice and Bidder's List); provided the normal period of time between notice and receipt of proposals minimally shall be fifteen (15) calendar days.

FYI: Process Regarding Request for Qualifications

- (d) *Pre-proposal conference.* A pre-proposal conference may be scheduled at least five (5) days prior to the date set for receipt of proposals, and notice shall be handled in a manner similar to section 1-10-50(c)-Public Notice and Bidder's List. No information provided at such pre-proposal conference shall be binding upon Augusta, Georgia unless provided in writing to all offerors.
- (e) *Receipt of proposals.* Proposals will be received at the time and place designated in the request for proposals, complete with bidder qualification and technical information. No late proposals shall be accepted. Price information shall be separated from the proposal in a sealed envelope and opened only after the proposals have been reviewed and ranked.

The names of the offerors will be identified at the proposal acceptance; however, no proposal will be handled so as to permit disclosure of the detailed contents of the response until after award of contract. A record of all responses shall be prepared and maintained for the files and audit purposes.

- (f) *Public inspection.* The responses will be open for public inspection only after contract award. Proprietary or confidential information marked as such in each proposal will not be disclosed without written consent of the offeror.
- (g) *Evaluation and selection.* The request for proposals shall state the relative importance of price and other evaluation factors that will be used in the context of proposal evaluation and contract award. (Pricing proposals will not be opened until the proposals have been reviewed and ranked). Such evaluation factors may include, but not be limited to:
  - (1) The ability, capacity, and skill of the offeror to perform the contract or provide the services required;
  - (2) The capability of the offeror to perform the contract or provide the service promptly or within the time specified, without delay or interference;
  - (3) The character, integrity, reputation, judgment, experience, and efficiency of the offeror;
  - (4) The quality of performance on previous contracts;
  - (5) The previous and existing compliance by the offeror with laws and ordinances relating to the contract or services;
  - (6) The sufficiency of the financial resources of the offeror relating to his ability to perform the contract;

FYI: Process Regarding Request for Qualifications

- (7) The quality, availability, and adaptability of the supplies or services to the particular use required; and
- (8) Price.
- (h) *Selection committee.* A selection committee, minimally consisting of representatives of the procurement office, the using agency, and the Administrator's office or his designee shall convene for the purpose of evaluating the proposals.
- (i) *Preliminary negotiations.* Discussions with the offerors and technical revisions to the proposals may occur. Discussions may be conducted with the responsible offerors who submit proposals for the purpose of clarification and to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of information derived from proposals submitted by competing offerors.
- (j) From the date proposals are received by the Procurement Director through the date of contract award, no offeror shall make any substitutions, deletions, additions or other changes in the configuration or structure of the offeror's teams or members of the offeror's team.
- (k) *Final negotiations and letting the contract.* The Committee shall rank the technical proposals, open and consider the pricing proposals submitted by each offeror. Award shall be made or recommended for award through the Augusta, Georgia Administrator, to the most responsible and responsive offeror whose proposal is determined to be the most advantageous to Augusta, Georgia, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain a written report of the basis on which the award is made/recommended. The contract shall be awarded or let in accordance with the procedures set forth in this Section and the other applicable sections of this chapter.

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**RFQ Mandatory Pre-Qualification Conference Sign-In Sheet**  
**RFQ Item #19-231 Comprehensive Space Needs Plan**  
**For Augusta, Georgia – Central Services Department-Facilities Maintenance Division**  
**Tuesday, May 14, 2019 @ 3:00 p.m.**  
**PLEASE PRINT**

| NAME                                         | COMPANY/DEPT.                         | ADDRESS/CITY/STATE/<br>ZIP CODE                       | TELEPHONE<br>NUMBER | FAX NUMBER      | EMAIL                                | Prime/Sub |
|----------------------------------------------|---------------------------------------|-------------------------------------------------------|---------------------|-----------------|--------------------------------------|-----------|
| 1. Darrell White<br><i>Darrell White</i>     | Procurement                           | 535 Telfair Street,<br>Suite 605<br>Augusta, GA 30901 | 706-821-2423        | 706-821-2811    | probidandcontract<br>@augustaga.gov  |           |
| 2. Tabitha Daniels<br><i>Tabitha Daniels</i> | Procurement                           | 535 Telfair Street,<br>Suite 605<br>Augusta, GA 30901 | 706-821-4251        | 706-821-2811    | probidandcontract<br>@augustaga.gov  |           |
| 3. Hector-Caceres                            | JLA                                   | 1296 Broad St.<br>Augusta, GA 30701                   | 706-724-<br>5756    | 706-724<br>3955 | hcaceres@<br>mejla-group.com         | Arch      |
| 4. Alex Ackumbe                              | AXIS                                  | 1111 Cambridge Sq.<br>Alpharetta, GA<br>30009         | 678-395 4920        |                 | AlexAckumbe@<br>axiscompany.com      | Arch      |
| 5. Rob Mauldin                               | ZKM<br>Architects, Inc.               | 529 Greene St.<br>Augusta, GA 30901                   | 706-736-3553        | 706-736-7100    | robmauldin@<br>zkmarchitects.com     | Prime     |
| 6. GEORGE<br>FLYNN                           | POND/<br>FLYNN FINDERLY<br>ARCHITECTS | PO Box 689075<br>MARLBOROUGH, MA<br>01906             | 770/859-<br>0907    | —               | GEORGE<br>FLYNN@<br>FFARCHITECTS.com | GLP       |
| 7. NEIL<br>DAWSON                            | CSRP                                  | 321 W. Cambridge St.<br>SAVANNAH, GA 31401            | 912-695-2411        | —               | neil.dawson@<br>csrp.com             | PRIME     |

2 of 2

RFQ Mandatory Pre-Qualification Conference Sign-In Sheet  
 RFQ Item #19-231 Comprehensive Space Needs Plan  
 For Augusta, Georgia – Central Services Department-Facilities Maintenance Division  
 Tuesday, May 14, 2019 @ 3:00 p.m.  
 PLEASE PRINT

| NAME                     | COMPANY/DEPT.                       | ADDRESS/CITY/STATE/<br>ZIP CODE                   | TELEPHONE<br>NUMBER | FAX NUMBER   | EMAIL                             | Prime/Sub |
|--------------------------|-------------------------------------|---------------------------------------------------|---------------------|--------------|-----------------------------------|-----------|
| 8. DEE PENHAD            | STUDIO 3 DESIGN                     | 1617 WARDEN WAY<br>AUGUSTA GA 30901               | 706-667-9784        | 706-667-9786 | DEE@APC<br>53PG.GM                | PRIME     |
| 9. Anna To<br>Sveningund | Pond / FINN<br>Finnish Architecture | 1301 Geneva St<br>Columbus, SC                    | 864-497-8922        |              | annadis@<br>pondco.com            | PRIME     |
| 10. ED BOYD              | CB ARCHITECTS                       | 670 Broad St<br>Augusta GA 30901                  | 706-718-6792        |              | ed@cbarchitects.com               | PRIME     |
| 11. JANIA DEES           | Veterans 1st<br>Architecture        | 110-A Louisville St<br>Hawkins, GA 30814          | (202) 556-0906      |              | jania@<br>v1st.com                | Prime     |
| 12. Julie Hall           | Cooper Garry                        | 191 Peachtree St NE<br>Atlanta, GA 30303          | 404 237-2000        |              | juliehall<br>@cooper<br>garry.com | Prime.    |
| 13. ANGEL<br>KAUFFMANN   | Sizemore<br>Group                   | 342 Marietta St<br>Atlanta GA<br>30013            | 404.605.0690        |              | angelk@<br>sizemore<br>group.com  | PRIME     |
| 14. RICK ACREE           | CENTRAL<br>SERVICES                 |                                                   | 706-821-1595        |              | racree@<br>augustaga.gov          |           |
| 15. Lauren Saul          | Compliance                          | 535 Telfair St.<br>Suite 530<br>Augusta, GA 30901 | 706-821-2406        |              | Isaul@<br>augustaga.gov           |           |

User: Mills, Phyllis

Organization:

City of Augusta, GA (Augusta Commission)

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## Planholders List

Member Name City of Augusta, GA (Augusta Commission)

Bid Number RFQ-19-231-0-2019/nw

Bid Name Comprehensive Space Needs Plan

2 Document(s) found for this bid

3 Planholder(s) found.

[Add Planholder](#)

| Supplier Name  | Phone      | Fax        | Doc Count | Attributes                            | Programs | Actions                   |
|-------------------------------------------------------------------------------------------------|------------|------------|-----------|---------------------------------------|----------|---------------------------|
| Neel-Shaffer                                                                                    | 6786040040 |            | 1         |                                       |          | <a href="#">Documents</a> |
| Pond & Company                                                                                  | 6783367740 | 6783367744 | 1         |                                       |          | <a href="#">Documents</a> |
| Veterans 1st Architecture                                                                       | 7065560906 | 7065560197 | 1         | 1. Small Business<br>2. Veteran Owned |          | <a href="#">Documents</a> |

Page 1 of 1

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Cheatham, Fletcher, Scott  
Architects  
420 8<sup>th</sup> Street  
Augusta, GA 30901

2KM Architects  
529 Greene Street  
Augusta, GA 30901

Woodhurst Architects  
607 15<sup>th</sup> Street  
Augusta, GA 30901

Harley & Associates Architects  
718 Broad Street  
Augusta, GA 30901

Definitive Designs Group  
4270 Frontage Road  
Augusta GA 30909

Heery International  
999 Peachtree St, NE  
Suite 300  
Atlanta, GA 30309

Phyllis Johnson  
Compliance Department

RFQ Item #19-231  
Comprehensive Space Needs Plan  
for Central Services-Facilities Main  
Mailed 04/18/19

Studio 3 Design Group  
1617 Walton Way  
Augusta, GA 30904

Virgo Gambill Architects  
2531 Augusta West Pkwy  
#200  
Augusta, GA 30909

Johnson Laschober & Associates  
1296 Broad Street  
Augusta, GA 30901

Hughes, Beatty, O'Neal and Law  
718 Broad Street  
Augusta, GA 30901

Duckett Design Group  
1632 Ware Ave  
Atlanta, GA 30344

Whiting-Turner  
900 Hammond Dr., NE  
Atlanta, GA 30328

Takiyah Douse  
Augusta Central Services  
Department

RFQ Item #19-231  
Comprehensive Space Needs Plan  
for Central Services-Facilities Main.  
Bid Due: Thur 05/30/19@ 3:00 P.M.

Dickinson Architects  
771 Broad Street, Suite 200  
Augusta, GA 30901

Chris Booker & Associates  
670 Broad Street  
Augusta, GA 30901

Alan Venable Architects  
309 11<sup>th</sup> Street  
Augusta, GA 30901

Veteran Design Group  
2531 Center West Pkwy  
#202  
Augusta GA, 30909

TVS Design  
1230 Peachtree St NE  
Atlanta, GA 30309

Skanska  
55 Ivan Allen Jr Blvd NW # 600  
Atlanta, GA 30308

Rick Acree  
Augusta Central Services  
Department

|           |                                                                    |                                                                   |   |     |
|-----------|--------------------------------------------------------------------|-------------------------------------------------------------------|---|-----|
|           | <a href="#">konvrgence, inc.</a><br>2019-04-18                     | ldelouiser@konvrgence.com<br>Delouiser, Louis                     |   |     |
| 900165722 | <a href="#">kronberg wall architects</a><br>2019-04-18             | awall@kronbergwall.com<br>wall, adam                              | N | NOM |
| 264436941 | <a href="#">lms contracting services inc</a><br>2019-04-18         | mollison3@yahoo.com<br>mollison, lorna                            | Y | AFA |
| 183171396 | <a href="#">milligan &amp; company</a><br>2019-04-18               | hhenry@milligancpa.com<br>henry, helene                           | Y | AFA |
| 161622012 | <a href="#">mojaevans Professional Services, LLC</a><br>2019-04-18 | montee@mojaservices.com<br>Evans, LaMont                          | Y | AFA |
| 232799647 | <a href="#">naviGATE Corportation</a><br>2019-04-18                | kathryn.mcdevitt@navigatecorp.com<br>McDevitt, Kathryn            | N | NOM |
| 352052380 | <a href="#">netlogx LLC</a><br>2019-04-18                          | filings@netlogx.com<br>Taylor, Audrey                             | N | NOM |
| 452764371 | <a href="#">oloopllc</a><br>2019-04-18                             | gov@olooptech.com<br>Gudivada, Bharath                            | Y | NAA |
| 256946187 | <a href="#">parteevanessa</a><br>2019-04-18                        | vanessapartee@yahoo.com<br>partee, vanessa                        | N | NOM |
| 256946187 | <a href="#">parteevanessa</a><br>2019-04-18                        | vanessapartee@yahoo.com<br>partee, vanessa                        | N | NOM |
| 861049285 | <a href="#">rSmart</a><br>2019-04-18                               | dahse@rsmart.com<br>Ashe, Diane                                   | N | NOM |
| 265313176 | <a href="#">richard wittschiede Hand architects</a><br>2019-04-18  | john@rwhdesign.com<br>Stephenson, John                            | N | NOM |
| 461663342 | <a href="#">spARCHITECT, LLC</a><br>2019-04-18                     | sparchitect@knology.net<br>Patel, Sudhir                          | Y | ASA |
| 255430917 | <a href="#">space managementcapl</a><br>2019-04-18                 | dnemec@spaceplan.gatech.edu<br>space management, capital planning | N | NOM |
| 043089289 | <a href="#">the Collaborative</a><br>2019-04-18                    | aparker@thecollaborative.com<br>Parker, Angela                    | Y | AFA |
| 581274188 | <a href="#">tvsdesign</a><br>2019-04-18                            | chaislip@tvsdesign.com<br>Haislip, Corrie                         | N | NOM |
| 010777955 | <a href="#">usregistryconnect</a><br>2019-04-18                    | rfq@usregistryconnect.com<br>usregistry, usregistry               | N | NOM |

| ETHNIC GROUP             | COUNT |
|--------------------------|-------|
| African American         | 460   |
| Asian American           | 134   |
| Native American          | 9     |
| Hispanic/Latino          | 41    |
| Pacific Island/American  | 2     |
| Non Minority             | 1487  |
| Not Classified           | 0     |
| Total Number of Vendors  | 2133  |
| Total Number of Contacts | 3391  |

PR\_bid\_email\_list

Georgia Procurement Registry Vendor Summary



**Administrative Services Committee Meeting**  
**9/24/2019 1:10 PM**  
**Award Contract for Comprehensive Space Analysis**

---

**Department:** Central Services - Facilities

**Presenter:** Takiyah A. Douse

**Caption:** Approve award of contract to provide professional services to assess the long term space needs of Augusta, Georgia Government operations to LS3P of Savannah, Georgia in the amount of \$118,000.00. RFQ 19-231

**Background:** Best practices for local governments include long range planning for capital investments and improvements. Operational needs evolve over time due to changing regulatory requirements and due to shifting of local priorities. The last time Augusta assessed space needs was over 20 years ago in 1997. Contrasting the government structure then and now, you can see some departments included in that process no longer exist, and some crucial departments created since completion of the process. The focus of the study is to ensure effective and efficient operational space is available to provide needed services to the citizens of Augusta. Although all Augusta, Georgia Departments, Agencies and Offices will be included in this study, the following have been identified as a priority and will be addressed in more detail: · Juvenile Court · Fleet Maintenance · Housing and Community Development · Recreation and Parks Administration · Engineering · Environmental Services · Augusta Utilities · RCCI · Validation of Workplace Efficiency on Existing Departments in various locations

**Analysis:** RFQ 19-231 was issued through the Augusta Procurement Department for statements of qualifications and proposals for the defined scope of work. Statements were received on May 30, 2019. The evaluation committee convened on June 12, 2019 to review the information provided by prospective vendors outlining their team configuration and qualifications relative to meeting the work required under this RFP. The three top scoring firms were invited to make presentations before the committee. LS3P was judged to be the best qualified to perform the scope of

work established under the RFQ. The evaluation committee conducted fee negotiations with the firm on July 31, 2019. The fee of \$118,000.00 is reasonable for the scope of work to be undertaken.

**Financial Impact:** The cost of services is \$118,000.00.

**Alternatives:** 1. Approve award of contract to provide professional services to assess the long term space needs of Augusta, Georgia Government operations to LS3P of Savannah, Georgia in the amount of \$118,000.00. 2. Do not approve the proposal.

**Recommendation:** Approve award of contract to provide professional services to assess the long term space needs of Augusta, Georgia Government operations to LS3P of Savannah, Georgia in the amount of \$118,000.00.

**Funds are Available in the Following Accounts:** This project is funded through SPLOST 7. 329051120-5212999 (JL 216057902)

**REVIEWED AND APPROVED BY:**

**Finance.  
Procurement.  
Law.  
Administrator.  
Clerk of Commission**

---

# Addressing the Issue of Blight in Augusta

Research Into Existing Programs Implemented by Other Cities  
December 2018

## Hot Topic in Augusta

- Sunday, December 2, 2018 Augusta Chronicle article regarding demolition and blighted properties in Augusta
  - Estimated \$1.8M for properties with current demolition orders; \$1.54 for those in the court process.
- Numerous presentations on the topic and meetings with key players to make recommendations since spring 2017
- Research, field trips, bus tours, calls, complaints, suggestions, etc. all on the topic of “blight” in Augusta.

Enhancements  
Have been  
Beneficial

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$$= \sum_{k=0}^{\infty} (-1)^k \frac{(\alpha)_k}{k!} \Gamma(k+1) \int_0^\infty t^{k+\beta-1} e^{-t} dt = \Gamma(\beta).$$

1. **Test for normality** (Shapiro-Wilk test) to ensure the data is normally distributed.

- *Book 2 and 6 of the constitution of the Bishop* [12]

CinView and CityView

CityWorks







## Moving Augusta Forward

Conducted research into programs  
other Cities have put into place.

Many have a similar baseline; with  
local customization

*This means Augusta does not need  
to start from scratch.*



#### On the surface --

- Catchy program name
- Press Coverage
- Goal Setting

#### Administratively --

- Dedicated Program Funding
- Designation of Target Areas and a Lead Agency
- Ordinance reviews and updates

#### Operationally -

- Initial Survey and data management
- Increased Code Enforcement and Law Enforcement Activity
- Registration of vacant, dilapidated, mothballed, landlords, etc.

# Key Implementation Steps

Targeted : 00

These methods by C. *concreta* have been used to select for *q* genes without it

These methods by C. *concreta* have been used to select for *q* genes without it

### Highlight and Utilize what

bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

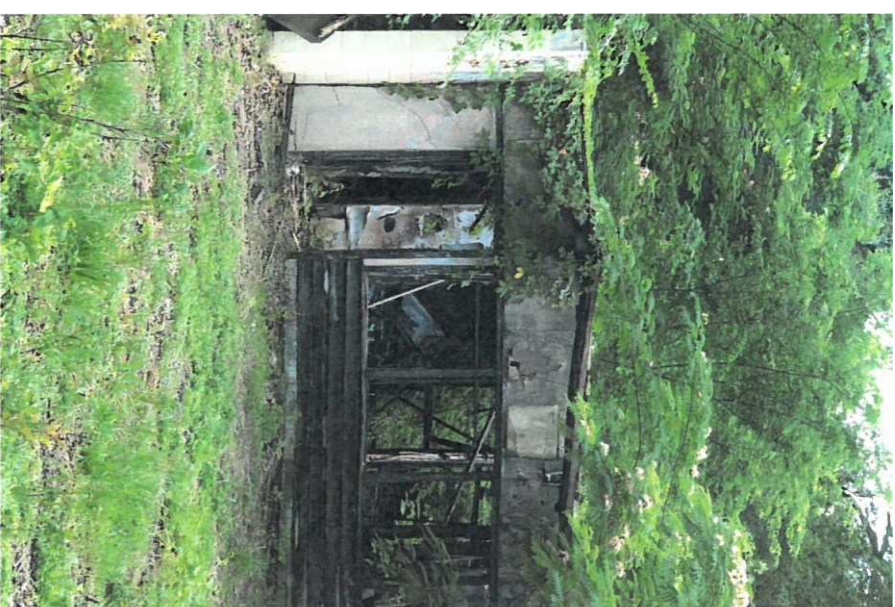
### Depression and Bipolar

**Abstract**—The purpose of this study was to determine the effect of a 12-week training program on the heart rate (HR) and heart rate reserve (HRR) of sedentary middle-aged men. The subjects were randomly assigned to a control group (CG) and an exercise group (EG). The EG performed a 12-week training program consisting of three sessions per week. The HR and HRR were measured at rest and during submaximal and maximal exercise at baseline and after 12 weeks. The results showed that the EG had a significant decrease in HR and HRR at rest and during submaximal and maximal exercise compared to the CG. The findings suggest that a 12-week training program can improve the cardiovascular fitness of sedentary middle-aged men.

**Abstract**—The purpose of this study was to determine the effect of a 10-week training program on the heart rate (HR) and heart rate reserve (HRR) of sedentary middle-aged men. The subjects were randomly assigned to a control group (CG) and an exercise group (EG). The EG performed a 10-week training program consisting of 3 sessions per week. The HR and HRR were measured at rest and during a maximal exercise test at baseline and after 10 weeks. The results showed that the EG had a significant decrease in HR and HRR at rest and during maximal exercise compared to the CG. The findings suggest that a 10-week training program can improve the cardiovascular fitness of sedentary middle-aged men.

David Clark, David Clark

### Summary of results of Part (2) on a



# City of Aiken, SC

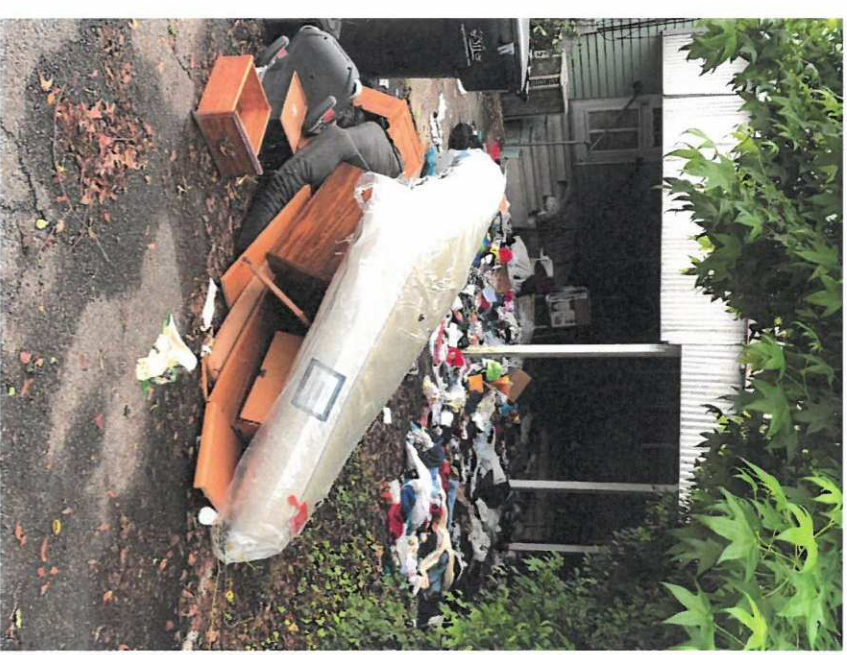
Target area: northside of the City and downtown Aiken

\$320,000 allocated to budget for demolition and lot cleanup

- estimated to have approx. 140 vacant lots in the City

\$300,000 Brownfield grant awarded in 2018

"Demolition 200" program – for those owners who have been cited but cannot afford to demolish the structure



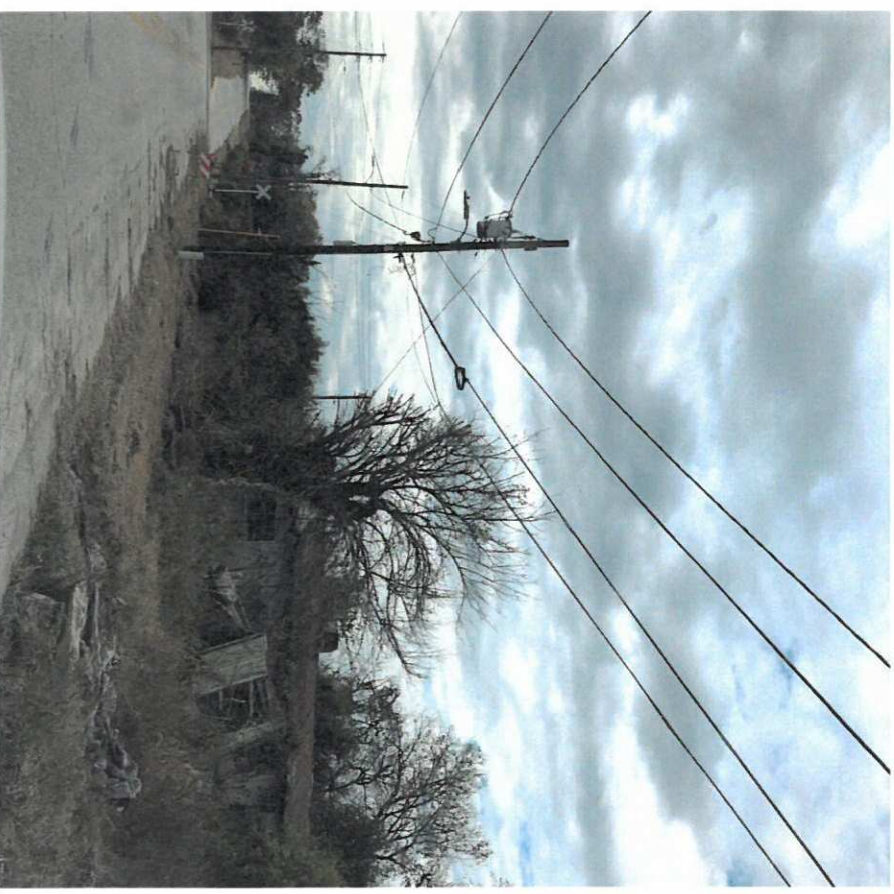


# City of Greenville, SC

Target area: Downtown and historic districts  
(Augusta Street, Laurens Road,  
Pleasantburg Drive, Rutherford Street,  
Wade Hampton Blvd), West Greenville

Very specific target areas identified (by  
street and block)

\$300,000 Brownfield grant awarded in 2018:  
Utilized to inventory and prioritize potential  
brownfield sites, develop cleanup plans,  
conduct community outreach



• 2019 was the initial year of implementation

• \$400,000 in additional funding was provided in Q3

• \$100,000 in additional funding

Macon-Bibb,  
Georgia

Baltimore,  
Maryland



• 2019 was the initial year of implementation

• \$400,000 in additional funding was provided in Q3

• \$100,000 in additional funding

• 2019 was the initial year of implementation

• \$400,000 in additional funding was provided in Q3

• \$100,000 in additional funding

• 2019 was the initial year of implementation

• \$400,000 in additional funding was provided in Q3

• \$100,000 in additional funding

# Take-Aways from the Research

- Understand the timelines → no such thing as a free lunch

### Background

## LandBank's existing programs

**Friendship**

**Indoor Climate**

### In the process

## References

## - Tracked data

- Goalsetting demonstrate progress - establish baseline

- `FOCUSeffortsbysize,area,node`

[illegible]

*Journal of Interpersonal Violence 28(12)*

## LandBank's programs

Stalder and Suter AG

## Augustus's

## Revised Child Care Choice Program

Lot cutting yearly budget Of about 320-000...2200+ 'cuts' per year... increase of lot cutting fees

[illegible]

11

Property marketing efforts

1000

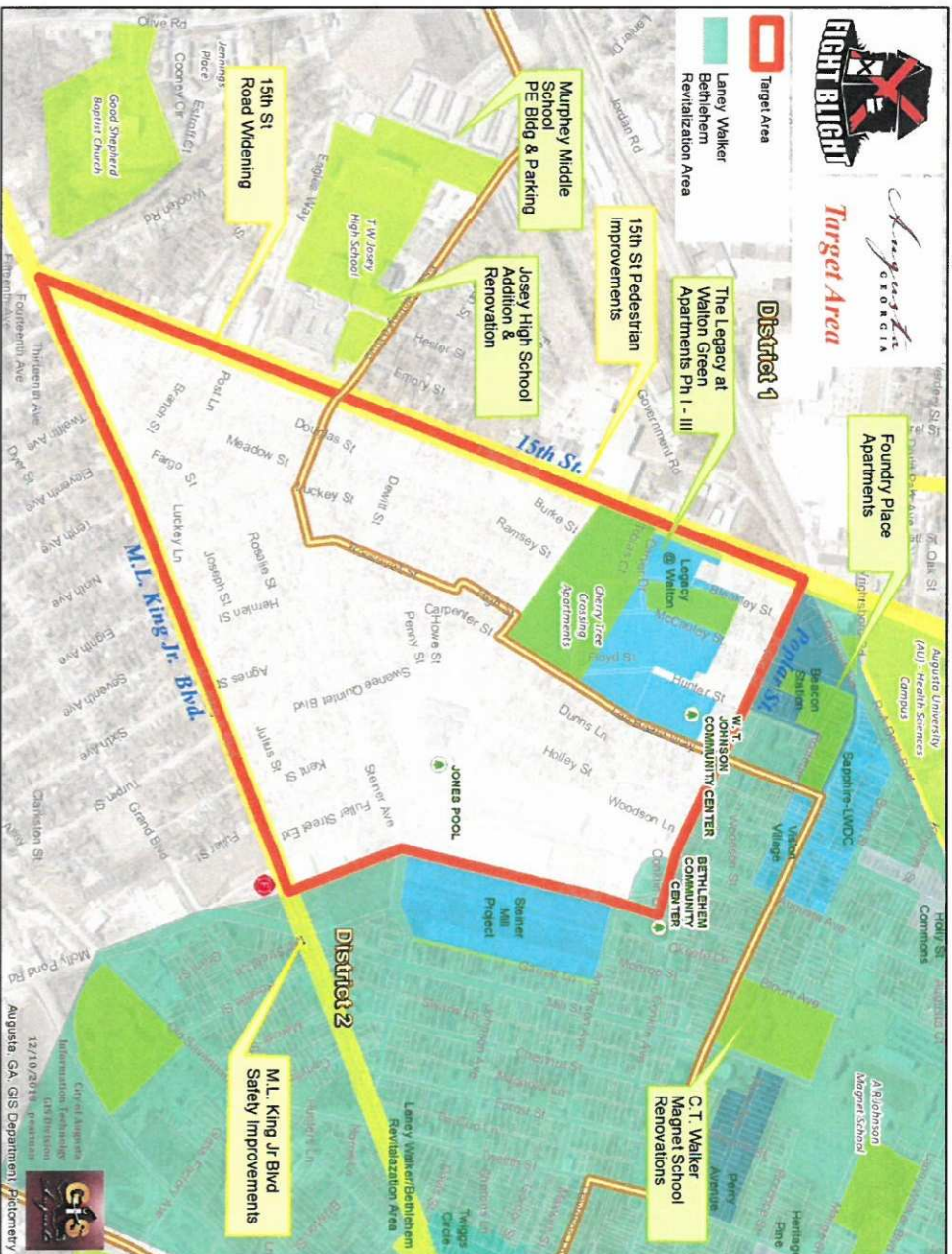
1. [https://www.who.int/news-room/feature-stories/detail/who-announces-new-variant-of-covid-19](#)

2. [https://www.who.int/news-room/feature-stories/detail/who-announces-new-variant-of-covid-19](#)

# Should Augusta Choose a Target Area?

- Focus resources and activities in a centralized area.
  - Demolition, grass cutting, redevelopment programs, code enforcement
- Concentrates limited resources
  - Court orders on about 10 structures to be demolished; approx. 15 more in-process

# Target Area



Background on key project issues presented by students and local agencies

October 11, 2017

AMC Chair and Project Lead, Dr. Mary Beth Williams, project leads

Project Lead, Dr. Williams

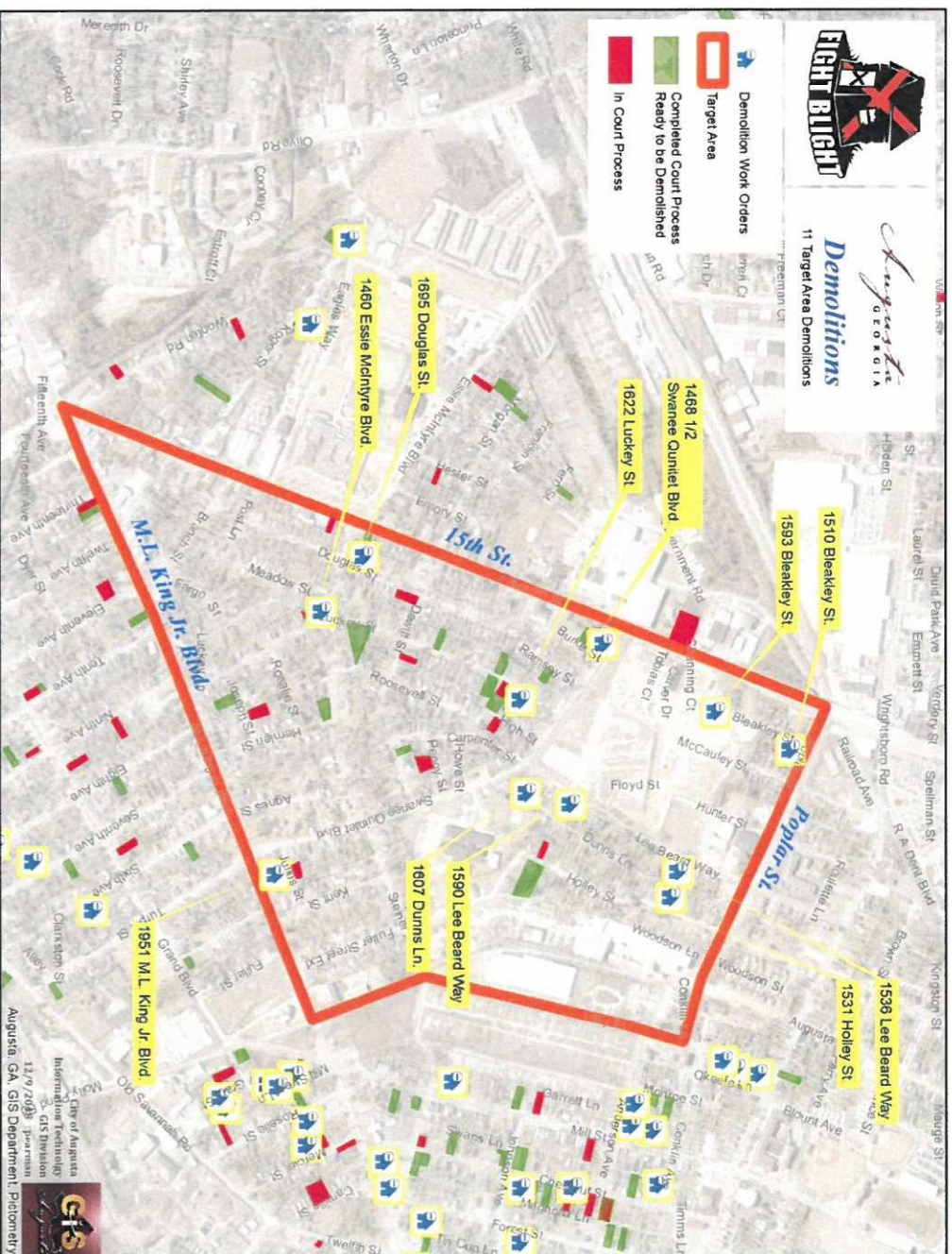
Project Lead, Dr. Williams

August 11, 2017

Agenda and background information on project issues, including project lead, Dr. Williams

# Why this area?

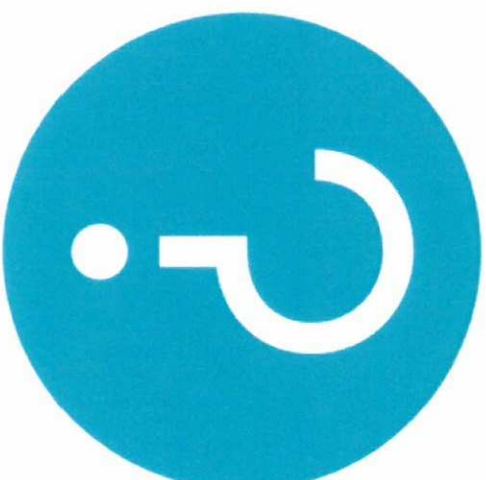
# Target Area – showing structures for demolition





# Key Steps to Implementation

- Effectively utilize the Land Bank's abilities and programs
  - Become more intentional as a Director is hired (early 2019)
  - Marketing and implementation of new programs
- Apply for grants, standardize the program funding
  - Determine how much is needed; prioritize.
  - Estimates of \$8M - \$9M to "do it all". Equates to demolition of about 1300 residential structures, less if commercial structures are included.
- Establish priorities and timelines for each department's activities
- Continue to review ordinances and recommend needed updates



# Questions?



**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Fight Blight Initiative**

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**Department:**

**Presenter:** Mayor Hardie Davis, Jr.

**Caption:** Presentation regarding the Fight Blight Initiative through the Joint Collaboration Committee (JCC) and request input from the Augusta Commission on funding redevelopment efforts in the target area. See December 18, 2018 presentation from Environmental Services. **(Requested by Mayor Hardie Davis, Jr.)**

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

---



**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Augusta Land Bank Authority**

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**Department:**

**Presenter:** Augusta Land Bank Authority

**Caption:** Presentation from the Augusta Land Bank Authority.  
**(Requested by Commissioner Ben Hasan)**

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

---



**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Smart City Augusta Initiatives**

---

**Department:**

**Presenter:** Mayor Hardie Davis, Jr.

**Caption:** Discuss Smart City Augusta Initiatives. **(Requested by Mayor Hardie Davis, Jr.)**

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

---

**CONTRACT**

**between**

**AUGUSTA, GEORGIA**

**And**

**CAPITALRISE LLC.**

in the amount of  
\$71,631.45 USD

**Seventy-One Thousand, Six-Hundred and Thirty One Dollars and 45/100**  
for Fiscal Year **2019**  
Providing funding for

**LANEY WALKER/BETHLEHEM REVITALIZATION PROJECT**

---

**THIS AGREEMENT (“Contract”)**, is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2019 (“the effective date”) by and between Augusta, Georgia, a political subdivision of the State of Georgia (hereinafter referred to as “Augusta”), acting through the Housing and Community Development Department (hereinafter referred to as “AHCD”) - with principal offices at 925 Laney Walker Blvd., 2<sup>nd</sup> Floor, Augusta, Georgia 30901, as party of the first part, and Capitalrise LLC., a developer, organized pursuant to the Laws of the State of Georgia, hereinafter called "CAPITALRISE" as party in the second part.

**WITNESSETH**

**WHEREAS**, Augusta is qualified by the U. S. Department of Housing and Urban Development (hereinafter called HUD) as a Participating Jurisdiction, and has received Laney Walker/Bethlehem Bond Financing for the purpose of providing and retaining affordable and market rate housing for eligible families; and

**WHEREAS**, Augusta wishes to increase homeownership opportunities and preserve and increase the supply of affordable/market rate housing for eligible families; and

**WHEREAS**, Augusta wishes to enter into a contractual Agreement with CAPITALRISE for the administration of eligible affordable and market rate housing development activities utilizing Laney Walker Bond Financing; and

**WHEREAS**, this activity has been determined to be an eligible activity in accordance with 24 CFR 92.504(c)(13) and will meet one or more of the national objectives and criteria outlined in Title 24 Code of Federal Regulations, Part 92 of the Housing and Urban Development regulations; and

**WHEREAS**, CAPITALRISE has been selected and approved through a solicitation process for development partners to assist in the redevelopment of Laney Walker and Bethlehem communities; and

**WHEREAS**, CAPITALRISE has agreed to provide services funded through this contract free from political activities, religious influences or requirements; and

**WHEREAS**, CAPITALRISE has requested and Augusta has approved a total of **\$71,631.45** in funding to perform eligible activities as described in Article I; below:

**NOW, THEREFORE**, the parties of this Agreement for the consideration set forth below, do here and now agree to the following terms and conditions:

## **ARTICLE I. SCOPE OF SERVICES**

### **A. Scope of Services**

Project Description: CAPITALRISE agrees to utilize approved Laney Walker/Bethlehem Bond Financing funds to support project related costs associated with the Laney Walker/Bethlehem Redevelopment Project. This project is a mixed income housing effort which involves development and construction of new single family housing units along Pine Street. Under this Agreement:

- ✚ Perform new construction services for one (1) single family detached homes identified as property number .
- ✚ Perform all required construction management and project oversight; in accordance with all laws, ordinances, and regulations of Augusta;
- ✚ Perform all functions required to ensure delivery of a final product meeting all requirements as set forth by said Agreement to include:
  - Materials list to include brand name and/or model number of materials as specified or agreed to adjustments to specifications including but not limited to: appliances, windows, HVAC, fixtures and First Quality lumber. CAPITALRISE is to provide a finish schedule with the specifications, brands and model numbers for all interior finishes 90 days from completion for agreement by AHCD. Actual material invoices may be requested to verify charges.

### **B. Use of Funds: Laney Walker/Bethlehem Bond Financing funds shall be used by CAPITALRISE for the purposes and objectives as stated in Article I, Scope of Services, of this Agreement. The use of funding for any other purpose(s) is not permitted. The following summarizes the proposed uses of funds under this Agreement based on **total material and labor cost of \$71,631.45.****

| Description of Project Expenses |                      |                      |
|---------------------------------|----------------------|----------------------|
| Activity                        | Amount               | Responsible Party    |
| Materials & Labor               | \$ 71,631.45         | Capitalrise          |
| Materials & Labor               | \$ 71,631.45         | AHCD                 |
| Building Permit Fee             | \$ 1,210.00          | AHCD                 |
| Real Estate Commission          | \$ 9,900.00          | AHCD                 |
| Buyer's Assistance              | \$ 10,000.00         | AHCD                 |
| Developer's Fee                 | \$ 250.00            | AHCD                 |
| <b>TOTAL</b>                    | <b>\$ 164,622.90</b> |                      |
|                                 |                      |                      |
|                                 |                      |                      |
| Summary of Parties Investments  |                      |                      |
| Party                           | Total Investment     | Comments             |
| AHCD Investment                 | \$ 92,991.45         | L&M, BP, RC, BA, DF  |
| Capitalrise Investment          | \$ 71,631.45         | Labor & Materials    |
| <b>TOTAL INVESTMENT</b>         | <b>\$ 164,622.90</b> |                      |
|                                 |                      |                      |
|                                 |                      |                      |
| Distribution of Funds Upon Sale |                      |                      |
| Activity                        | Sales Price          | Payee Amount         |
| Home Sales Price                | \$ 165,000.00        | Not Applicable       |
| AHCD Proceeds                   |                      | \$ 72,008.55         |
| Capitalrise Proceeds            |                      | \$ 92,991.45         |
| <b>TOTAL DISTRIBUTED</b>        |                      | <b>\$ 165,000.00</b> |

\*To the extent that the pricing provided by CAPITALRISE is erroneous and defective, the parties may by agreement, correct pricing errors to reflect the intent of the parties. CAPITALRISE shall adhere to the following budget in the performance of this contract:

1. Construction

An amount not to exceed fifty percent (50%) of the actual construction costs, only including materials and labor, as outlined and approved on the Work Write-Up shall be expended by CAPITALRISE for construction costs related to the development of one single family detached home identified as \_\_\_\_\_ as part of the Heritage Pine Street Project. The design and specifications of the property shall be approved by AHCD prior to construction (see Appendix). Funds will be used to assist with the cost of all construction related fees.

2. Profit

An amount not to exceed fifty percent (50%) of the sales price, as outlined and approved in Article I. Scope of Services, Section B. Use of Funds and on the Work Write-Up, shall be paid to CAPITALRISE for costs identified as necessary operating time and expenses in addition to the profit accrued in the development of one single family detached home identified as \_\_\_\_\_ as part of the Heritage Pine Project. AHCD will have the latitude to pay O&P directly to the

procured developer/contractor on a pay for performance basis or upon the sale of the single family detached home identified as .

3. Developer's Fee

An amount not to exceed **\$250.00** in a grant shall be expended to CAPITALRISE in support of the project development fees. Drawdowns are to be requested after sale of the single family detached home identified as .

C. Program Location and Specific Goals to be Achieved

CAPITALRISE shall conduct project development activities and related services in its project area (also known as the Heritage Pine Community) that incorporates the following boundaries: Eleventh Street, Laney Walker Boulevard, Pine Street and Florence Street.

D. Project Eligibility Determination

It has been determined that the use of Laney Walker/Bethlehem Bond Financing funds by CAPITALRISE will be in compliance with legislation supporting community development in Laney Walker/Bethlehem as authorized under the Urban Redevelopment Authority which acts in behalf of the Augusta Commission to provide oversight of the operation of the Laney Walker/Bethlehem Redevelopment Project. Notwithstanding any other provisions of this contract, CAPITALRISE shall provide activities and services as described in the description of the project, including use of funds, its goals and objectives, tasks to be performed and a detailed schedule for completing the tasks for this project as provided in Exhibit A of this contract.

**ARTICLE II. BUDGET AND METHOD OF PAYMENT**

CAPITALRISE will carry out and oversee the implementation of the project as set forth in this Agreement and agrees to perform the required services under the general coordination of the Augusta Housing and Community Development Department. In addition, and upon approval by Augusta, CAPITALRISE, may engage the services of outside professional services consultants and contractors to help carry out the program and projects.

A. Augusta shall designate and make Laney Walker/Bethlehem Bond Financing funds available in the following manner:

1. Augusta agrees to pay CAPITALRISE, a maximum of \$ **\$250.00** under this Agreement for project expenses incurred as outlined in ARTICLE I, Scope of Services, subject to CAPITALRISE's compliance with all terms and conditions of this Agreement and the procedures for documenting expenses and activities as set forth in said Agreement;
2. The method of payment for construction costs, including only materials and labor as outlined and approved on the Work Write-Up, not to exceed the aforementioned contracted fifty percent (50%) shall be on a pay for performance basis provided CAPITALRISE and AHCD determine the progress is satisfactory. CAPITALRISE shall utilize the AIA Form provided by AHCD (see Appendix). For invoicing, CAPITALRISE will include documentation showing proof of completion of work in accordance with the amount requested, inspected and accepted

by AHCD, lien waivers for vendors and sub-contractors, as specified in the Work Write-Up found in Exhibit B & E.

3. AHCD will monitor the progress of the project and CAPITALRISE's performance on a weekly basis with regards to the production of housing units and the overall effectiveness of project.
4. Upon the completion of this Agreement, any unused or residual funds remaining shall revert to Augusta and shall be due and payable on such date of the termination and shall be paid no later than thirty (30) days thereafter. CAPITALRISE and AHCD shall share in the cost and proceeds of developing the residence at as follows:

| Description of Project Expenses |                      |                      |
|---------------------------------|----------------------|----------------------|
| Activity                        | Amount               | Responsible Party    |
| Materials & Labor               | \$ 71,631.45         | Capitalrise          |
| Materials & Labor               | \$ 71,631.45         | AHCD                 |
| Building Permit Fee             | \$ 1,210.00          | AHCD                 |
| Real Estate Commission          | \$ 9,900.00          | AHCD                 |
| Buyer's Assistance              | \$ 10,000.00         | AHCD                 |
| Developer's Fee                 | \$ 250.00            | AHCD                 |
| <b>TOTAL</b>                    | <b>\$ 164,622.90</b> |                      |
|                                 |                      |                      |
|                                 |                      |                      |
| Summary of Parties Investments  |                      |                      |
| Party                           | Total Investment     | Comments             |
| AHCD Investment                 | \$ 92,991.45         | L&M, BP, RC, BA, DF  |
| Capitalrise Investment          | \$ 71,631.45         | Labor & Materials    |
| <b>TOTAL INVESTMENT</b>         | <b>\$ 164,622.90</b> |                      |
|                                 |                      |                      |
|                                 |                      |                      |
| Distribution of Funds Upon Sale |                      |                      |
| Activity                        | Sales Price          | Payee Amount         |
| Home Sales Price                | \$ 165,000.00        | Not Applicable       |
| AHCD Proceeds                   |                      | \$ 72,008.55         |
| Capitalrise Proceeds            |                      | \$ 92,991.45         |
| <b>TOTAL DISTRIBUTED</b>        |                      | <b>\$ 165,000.00</b> |

5. Funds may not be transferred from line item to line item in the project budget without the prior written approval of Augusta Housing and Community Development.
6. This Agreement is based upon the availability of funding under the Laney Walker/Bethlehem Revitalization Project. Should funds no longer be available, it is agreed to by both parties that this contract shall terminate and any CAPITALRISE and AHCD deemed satisfactorily progress made within the contracted construction only amount not to exceed percent (50%) shall be paid to CAPITALRISE.

7. AHCD will retain five percent (5%) of an amount within the fifty (50%) of construction costs, including only materials and labor as outlined and approved on the Work Write-Up, after the Certificate of Occupancy has been issued until CAPITALRISE and AHCD determine that all AHCD punchlist items have been satisfied.

B. Project Financing

The Augusta Housing and Community Development Department (AHCD) will provide an amount not to exceed fifty percent (50%) of the actual construction costs including only materials and labor as outlined and approved on the Work Write-Up to be expended by CAPITALRISE for construction costs related to the development of one single family detached home identified as .

Additionally, AHCD will provide fifty percent (50%) of all change orders (where applicable) as approved by both Augusta and CAPITALRISE in writing.

All funding is being provided as payment for services rendered as per this Agreement.

C. Timetable for Completion of Project Activities

CAPITALRISE shall be permitted to commence with the expenditure of Laney Walker/Bethlehem Bond Financing funds as outlined in said Agreement upon procurement of a construction contractor in accordance with its policies and procedures; and approval of a detailed outline of project expenditures anticipated for the completion of the development within 180 days of said home identified as as part of the Heritage Pine Project.

Liquidated Damages

CAPITALRISE agrees to pay as liquidated damages to Augusta the sum of one hundred dollars (\$100.00) for each consecutive calendar day after the expiration of the Contract Time of Completion Time, except for authorized extensions of time by Augusta. This section is independent of any section within this Agreement concerning the default of CAPITALRISE. The parties agree that these provisions for liquidated damages are not intended to operate as penalties for breach of Contract.

The liquidated damages set forth above are not intended to compensate Augusta for any damages other than inconvenience and loss of use or delay in services. The existence or recovery of such liquidated damages shall not preclude Augusta from recovering other damages in addition to the payments made hereunder which Augusta can document as being attributable to the documented failure of CAPITALRISE. In addition to other costs that may be recouped, Augusta may include costs of personnel and assets used to coordinate, inspect, and re-inspect items within this Agreement as well as attorney fees if applicable.

Specified excuses

CAPITALRISE is not responsible for delay in performance caused by hurricanes, tornados, floods, and other severe and unexpected acts of nature. In any such event, the contract price and schedule shall be equitably adjusted.

#### Temporary Suspension or Delay of Performance of Contract

To the extent that it does not alter the scope of this Agreement, Augusta may unilaterally order a temporary stopping of the work, or delaying of the work to be performed by CAPITALRISE under this Agreement.

#### D. Project Budget: Limitations

All costs associated with construction, O&P, construction management, and real estate expenses have been outlined in said Agreement as percentage based costs related to the development of one single family detached home identified as \_\_\_\_\_ as part of the Heritage Pine Project. AHCD will have the latitude to pay such costs directly to the procured construction contractor. CAPITALRISE shall be paid a total consideration of no more than \$250.00 for full performance of the services specified under this Agreement. Any cost above this amount shall be the sole responsibility of CAPITALRISE. It is also understood by both parties to this contract that the funding provided under this contract for this specific project shall be the only funds provided by Augusta – unless otherwise agreed to by Augusta and CAPITALRISE.

CAPITALRISE shall adhere to the budget as outlined in the Work Write-Up (Exhibit B) in the performance of this contract.

### **ARTICLE III. TERM OF CONTRACT**

The term of this Agreement shall commence on the date when this Agreement is executed by Augusta and CAPITALRISE (whichever date is later) and shall end at the completion of all program activities, within the time specified in Article II.C, or in accordance with ARTICLE X: Suspension and Termination.

### **ARTICLE IV. DOCUMENTATION AND PAYMENT**

- A. This is a pay-for-performance contract and in no event shall Augusta provide advance funding to CAPITALRISE, or any subcontractor hereunder.
- B. CAPITALRISE shall not use these funds for any purpose other than the purpose set forth in this Agreement.
- C. Subject to CAPITALRISE's compliance with the provisions of this Agreement, Augusta agrees to reimburse all budgeted costs allowable under federal, state, and local guidelines.
- D. All purchases of capital equipment, goods and services shall comply with the procurement procedures of OMB Circular A-110 "Uniform Administrative Requirements for Grant Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" as well as the procurement policy of Augusta.
- E. Requests by CAPITALRISE for payment shall be accompanied by proper documentation and shall be submitted to AHCD, transmitted by a cover memo, for approval no later than thirty (30)

calendar days after the last date covered by the request. For purposes of this section, proper documentation includes: Updated Exhibit A- schedule (Gantt Chart), Updated Exhibit B- Work Write-Up, and AIA Form.

- F. CAPITALRISE shall maintain an adequate financial system and internal fiscal controls.
- G. Unexpended Funds: Unexpended funds shall be retained by Augusta. Upon written request, Augusta may consider the reallocation of unexpended funds to eligible projects proposed by CAPITALRISE.
- H. The terms of this Agreement supersede any and all provisions of the Georgia Prompt Pay Act.
- I. Upon the sale of the detached single family home at \_\_\_\_\_, AHCD is to provide CAPITALRISE with any outstanding payments on approved invoices and related costs received within ten (10) business days.

## **ARTICLE V. ADMINISTRATIVE REQUIREMENTS**

### Conflict of Interest

CAPITALRISE agrees to comply with the conflict of interest provisions contained in 24 CFR 85.36, 570.611, OMB Circular A-110 and OMB Circular A-102 as appropriate.

This conflict of interest provision applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of CAPITALRISE. No person described above who exercises, may exercise or has exercised any functions or responsibilities with respect to the activities supported under this contract; or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain any financial interest or benefit from the activities, or have a financial interest in any contract, sub-contract, or agreement with respect to the contract activities, either for themselves or those with whom they have business or family ties, during their tenure or for one year thereafter. For the purpose of this provision, "family ties", as defined in the above cited volume and provisions of the Code of Federal Regulations, include those related as Spouse, Father, Mother, Father-in-law, Mother-in-law, Step-parent, Children, Step-children, Brother, Sister, Brother-in-law, Sister-in-law, Grandparent, Grandchildren of the individual holding any interest in the subject matter of this Agreement. CAPITALRISE in the persons of Directors, Officers, Employees, Staff, Volunteers and Associates such as Contractors, Sub-contractors and Consultants shall sign and submit a Conflict of Interest Affidavit. (Affidavit form attached as part in parcel to this Agreement)

Augusta may, from time to time, request changes to the scope of this Agreement and obligations to be performed hereunder by CAPITALRISE. In such instances, CAPITALRISE shall consult with AHCD/Augusta on any changes that will result in substantive changes to this Agreement. All such changes shall be made via written amendments to this Agreement and shall be approved by the governing bodies of both Augusta and CAPITALRISE.

Statutes, regulations, guidelines and forms referenced throughout this Agreement are listed in Appendix A and are attached and included as part in parcel to this Agreement.

## **ARTICLE VI. OTHER REQUIREMENTS**

- A. CAPITALRISE agrees that it will conduct and administer activities in conformity with Pub. L. 88-352, "Title VI of the Civil Rights Act of 1964", and with Pub. L. 90-284 "Fair Housing Act" and that it will affirmatively further fair housing. One suggested activity is to use the fair housing symbol and language in CAPITALRISE's publications and/or advertisements. (24 CFR 570.601).
- B. CAPITALRISE agrees that the ownership in the housing assisted units must meet the definition of "homeownership" in §92.2.
- C. CAPITALRISE agrees to comply with 24 CFR Part I, which provides that no person shall be excluded from participation in this project on the grounds of race, color, national origin, or sex; or be subject to discrimination under any program or activity funded in whole or in part with federal funds made available pursuant to the Act.
- D. No person employed in the work covered by this contract shall be discharged or in any way discriminated against because he or she has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable hereunder to his or her employer. (24 CFR 570.603)
- E. CAPITALRISE agrees that in accordance with the National Environmental Policy Act of 1969 and 24 CFR Part 58, it will cooperate with Augusta/HCD in complying with the Act and regulations, and that no activities will be undertaken until notified by Augusta/HCD that the activity is in compliance with the Act and regulations. Prior to beginning any project development activity, an environmental review must be conducted by AHCD pursuant to (24 CFR 570.604).
- F. Consistent with the Flood Disaster Protection Act of 1973 (42 USC 4001-4128), CAPITALRISE agrees that funds shall not be expended for acquisition or construction in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards (representing the 100-year floodplain). Exceptions will be made if the community is participating in the National Flood Insurance Program or less than a year has passed since FEMA notification and flood insurance has been obtained in accordance with section 102(a) of the Flood Disaster Protection Act of 1973.
- G. CAPITALRISE agrees to take all reasonable steps to minimize displacement of persons as a result of assisted activities. Any such activities will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and the Housing and Community Development Act of 1974 (24 CFR 570.606).
- H. CAPITALRISE agrees to comply with Executive Order 11246 and 12086 and the regulations issued pursuant thereto (41 CFR 60) which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin. CAPITALRISE will in all solicitations or advertisements for employees placed state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or familial status.
- I. CAPITALRISE will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or familial status. CAPITALRISE will take appropriate action to ensure that applicants are employed, and that employees are treated

fairly during employment, without regard to their race, color, religion, sex, national origin or familial status. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or advertising; lay-off or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. CAPITALRISE agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Augusta setting forth the provisions of this nondiscrimination clause.

- J. In accordance with Section 570.608 of the CDBG Regulations, CAPITALRISE agrees to comply with the Lead Based Paint Poisoning Prevention Act pursuant to prohibition against the use of lead-based paint in residential structures and to comply with 24 CFR 570.608 and 24 CFR 35 with regard to notification of the hazards of lead-based paint poisoning and the elimination of lead-based paint hazards.
- K. CAPITALRISE agrees to comply with 24 CFR 570.609 with regards to the direct or indirect use of any contractor during any period of debarment, suspension or placement in ineligibility status. No contract will be executed until such time that the debarred, suspended or ineligible contractor has been approved and reinstated by AHCD.
- L. In accordance with 24 CFR part 24, subpart F, CAPITALRISE agrees to administer a policy to provide a drug-free workplace that is free from illegal use, possession or distribution of drugs or alcohol by its beneficiaries as required by the Drug Free Workplace Act of 1988.
- M. Any publicity generated by CAPITALRISE for the project funded pursuant to this Agreement, during the term of this Agreement or for one year thereafter, will make reference to the contribution of Augusta, Georgia in making the project possible. The words "Augusta Georgia Department of Housing and Community Development" will be explicitly stated in any and all pieces of publicity; including but not limited to flyers, press releases, posters, brochures, public service announcements, interviews, and newspaper articles.
- N. CAPITALRISE shall comply with all applicable laws, ordinances and codes of the federal, state, and local governments and shall commit no trespass on any public or private property in performing any of the work embraced by this contract. CAPITALRISE agrees to obtain all necessary permits for intended improvements or activities.
- O. CAPITALRISE shall not assign any interest in this contract or transfer any interest in the same without the prior written approval of Augusta.

CAPITALRISE agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Augusta setting forth the provisions of this nondiscrimination clause. Except as prohibited by law or the March 14, 2007 Court Order in the case Thompson Wrecking, Inc. v. Augusta, Georgia, Civil Action No. 1:07-CV-019 (S.D. GA 2007). **ANY LANGUAGE THAT VIOLATES THIS COURT ORDER IS VOIDABLE BY THE AUGUSTA GOVERNMENT.** CAPITALRISE agrees to comply with any federally mandated requirements as to minority and women owned- business enterprises.

- P. All contractors and subcontractors entering into contracts with Augusta, Georgia for the physical performance of services shall be required to execute an Affidavit verifying its compliance with O.C.G.A § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with Augusta, Georgia has registered with and is

participating in a federal work authorization program. All contractors and subcontractors must provide their E-Verify number and must be in compliance with the electronic verification of work authorized programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91 and shall continue to use the federal authorization program throughout the contract term. All contractors shall further agree that, should it employ or contract with any subcontractor in connection with the physical performance of services pursuant to its contract with Augusta, Georgia the contractor will secure from such subcontractors each subcontractor's E-Verify number as evidence of verification of compliance with O.C.G.A §13-10-91 on the subcontractor affidavit provided in Rule 300-10-01-.08 or a substantially similar form. All contractors shall further agree to maintain records of such compliance and provide a copy of each such verification to Augusta, Georgia at the time the subcontractors are retained to perform such physical services.

- Q. CAPITALRISE agrees that low and moderate income persons reside within Augusta-Richmond County and that contract for work in connection with the project be awarded to eligible businesses which are located in or owned in substantial part by persons residing in Augusta-Richmond County. (24 CFR 570.697) **Utilization of contractors and/or subcontractors outside of the Augusta-Richmond County area is not desirable.**
- R. CAPITALRISE agrees to comply with the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR part 146 and the prohibitions against otherwise qualified individuals with handicaps under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. For purposes of the emergency shelter grants program, the term dwelling units in 24 CFR Part 8 shall include sleeping accommodations.
- S. CAPITALRISE will not discriminate against any employee or applicant for employment on the basis of religion and will not give preference of persons on the basis of religion. CAPITALRISE will not discriminate against any person applying for shelter on the basis of religion. CAPITALRISE will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing and exert no religious influence in the provision of shelter and other eligible activities funded by this grant.
- T. Indirect costs will only be paid if CAPITALRISE has indirect cost allocation plan approved by the Department of Housing and Urban Development prior to the execution of this Contract.
- U. AHCD shall not approve any travel or travel related expenses to CAPITALRISE with funds provided under this contract.
- V. Construction Requirements

In the absence of local codes, properties must meet the HUD Section 8 Housing Quality Standards [HQS]. All housing assisted under this Agreement is "new construction" by definition and therefore must meet the local building codes for new housing in Augusta Georgia, as applicable.

CAPITALRISE is required by state and local laws, to dispose of all site debris, trash, and rubble from the project be transported to and disposed of at the Augusta, Georgia Solid Waste

Landfill in accordance with local and state regulations. The contractor shall provide evidence of proper disposal of, the name and location of the disposal facility, date of disposal and all related fee.

Augusta, Georgia may, at reasonable times, inspect the part of the plant, place of business, or work site of CAPITALRISE or any subcontractor of CAPITALRISE or subunit thereof which is pertinent to the performance of any contract awarded or to be awarded by Augusta, Georgia.

## **ARTICLE X. SUSPENSION AND TERMINATION**

- A. In the event CAPITALRISE materially fails to comply with any terms of this Agreement, including the timely completion of activities as described in the timetable and/or contained in ARTICLE II.C, Augusta may withhold cash payments until CAPITALRISE cures any breach of the Agreement. If CAPITALRISE fails to cure the breach, Augusta may suspend or terminate the current award of funds. CAPITALRISE will not be eligible to receive any other funding.
- B. Notwithstanding the above, CAPITALRISE shall not be relieved of its liability to Augusta for damages sustained as a result of any breach of this Agreement. In addition, to any other remedies it may have at law or equity, Augusta may withhold any payments to CAPITALRISE for the purposes of offsetting the exact amount of damages once determined.
- C. In the best interest of the project and to better serve the people in the target areas and fulfill the purposes of the Laney Walker/ Bethlehem Revitalization project, either party may terminate this Agreement upon giving thirty (30) day notice in writing of its intent to terminate, stating its reasons for doing so. In the event Augusta terminates this Agreement, Augusta shall pay CAPITALRISE for documented committed eligible costs incurred prior to the date of notice of termination.
- D. Notwithstanding any termination or suspension of this Agreement, CAPITALRISE shall not be relieved of any duties or obligations imposed on it under this Agreement with respect to Laney Walker Bond Financing funds previously disbursed or income derived therefrom.
- E. To the extent that it does not alter the scope of this Agreement, Augusta, GA may unilaterally order a temporary stopping of the work or delaying of the work to be performed by CAPITALRISE under this contract.

## **ARTICLE XI. NOTICES**

Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice shall remain such until it shall have been changed by written notice.

Augusta will receive all notices at the address indicated below:

Office of the Administrator  
ATTN: Jarvis Sims, Interim City Administrator  
Municipal Building  
535 Telfair Street, Suite 910

Augusta, Georgia 30901

With copies to:

Augusta Housing and Community Development Department  
ATTN: Hawthorne Welcher, Jr., Director  
925 Laney Walker Blvd., 2<sup>nd</sup> Floor  
Augusta, Georgia 30901

CAPITALRISE will receive all notices at the address indicated below:

Capitalrise LLC.  
ATTN: Peter Tuchyna and Frank Klimes  
2924 Aylesbury Drive  
Augusta, GA 30909

## **ARTICLE XII. INDEMNIFICATION**

CAPITALRISE will at all times hereafter indemnify and hold harmless Augusta, its officers, agents and employees, against any and all claims, losses, liabilities, or expenditures of any kind, including court costs, attorney fees and expenses, accruing or resulting from any or all suits or damages of any kind resulting from injuries or damages sustained by any person or persons, corporation or property, by virtue of the performance of this Agreement. By execution of this Agreement, CAPITALRISE specifically consents to jurisdiction and venue in the Superior Court of Richmond County, Georgia and waives any right to contest jurisdiction or venue in said Court.

Should it become necessary to determine the meaning or otherwise interpret any work, phrase or provision of this Agreement, or should the terms of this Agreement in any way be the subject of litigation in any court of laws or equity. It is agreed that the laws of the State of Georgia shall exclusively control the same.

The parties hereto do agree to bind themselves, their heirs, executors, administrators, trustees, successors and assigns, all jointly and severally under the terms of this Agreement.

## **ARTICLE XIII. PRIOR AND FUTURE AGREEMENTS**

This Document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written. Augusta is not obligated to provide funding of any kind to CAPITALRISE beyond the term of this Agreement.

CAPITALRISE warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by CAPITALRISE for the purpose of securing business and that CAPITALRISE has not received any non-Augusta fee related to this Agreement without the prior written consent of Augusta. For breach or violation of this warranty, Augusta shall have the right to annul this Agreement

without liability or at its discretion to deduct from the Agreement prices of consideration the full amount of such commission, percentage, brokerage, or contingent fee.

#### **ARTICLE XIV. LEGAL PROVISIONS DEEMED INCLUDED**

Each and every provision of any law or regulations and clause required by law or regulation to be inserted in this Agreement shall be deemed to be inserted herein and this Agreement shall be read and enforced as though it were included herein and if, through mistake or otherwise, any such provision is not inserted or is not correctly inserted, then upon application of either party this Agreement shall forthwith be amended to make such insertion.

#### **ARTICLE XV. DISCLAIMER**

Any and all language in this Agreement pertaining to HUD regulations and/or the utilizations of HOME funding is deemed voidable when utilizing Laney Walker Bond funds in its entirety. However, if there are any federal funds utilized by this project, including Homebuyer Subsidy funds, this Agreement will be enforceable in its entirety.

#### **ARTICLE XVI. COUNTERPARTS**

This Agreement is executed in two (2) counterparts – each of which shall be deemed an original and together shall constitute one and the same Agreement with one counterpart being delivered to each party hereto.

**IN WITNESS WHEREOF**, the parties have set their hands and seals as of the date first written above:

Approved as to Form By (please initial here):

\_\_\_\_\_  
Augusta, Georgia Law Department

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Mayor Hardie Davis, Jr.**, as its Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Jarvis Sims**, as its Interim City Administrator

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Hawthorne Welcher, Jr.**, as its Director

Date: \_\_\_\_\_

Affix Seal Here:

By: \_\_\_\_\_  
**Lena Bonner**, as its Clerk of Commission

ATTEST: **Capitalrise LLC.**

By: \_\_\_\_\_  
**Frank Klimes, Co-Owner**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Peter Tuchyna, Co-Owner**

Date: \_\_\_\_\_

**APPENDIX 1**  
**Architectural Plans/Designs**

**APPENDIX 2**  
**American Institute of Architects (AIA) Form - Sample**

**APPENDIX 3**  
**Statutes: (Available on Request)**

OMB Circular A-110 - Uniform Administrative Requirements for Grants and Agreement with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

OMB Circular A- 122 - Cost Principles for Non-Profit Organizations

OMB Circular A-133 - Audits of Institutions of Higher Education & other Non-Profit Institutions

40 USC 276 Davis-Bacon Act

40 USC 327 Contract Work Hours and Safety Standard Act

Uniform Relocation Assistance and Real Property Acquisition Policies Act

Lead Based Paint Poisoning Prevention Act

24 CFR 35 – HUD Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally-Owned Residential Property being sold, Final Rule

Augusta-Richmond County Procurement Policy

Conflict of Interest Affidavit

**APPENDIX 4**  
**CONSTRUCTION REQUIREMENTS**

1. All construction projects shall comply with Federal, State, and local codes and ordinances, including, but not limited to, the following:
  - A. "Standard Building Code", 2000 Edition, Southern Building Congress, International, Inc., Birmingham, Alabama.
  - B. "Standard Plumbing Code", latest edition, Southern Building Congress, International, Inc., Birmingham, Alabama.
  - C. Standard Mechanical Code, latest edition, Southern Building Congress, International, Inc., Birmingham, Alabama.
  - D. "National Electric Code", latest edition, National Fire Protection Association, Quincy, Massachusetts.
  - E. Model Energy Code, 1997, Council of American Building Officials.
  - F. "ADA Accessibility Guidelines for Buildings and Facilities", Department of Justice, American with Disabilities Act of 1990".
  - G. Williams-Steiger Occupational Safety and Health Act of 1970, Public Law 91-596.
  - H. Part 1910 – Occupational Safety and Health Standards, Chapter XVII of Title 29, Code of Federal Regulations (Federal Register, Volume 37, Number 202, October 18, 1972).
  - I. Part 1926 - Safety and Health Regulations for Construction, Chapter XVII of Title 29, Code of Federal Regulations (Federal Register, Volume 37, Number 243, December 16, 1972).
  - J. Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).
2. Project Review. All plans, specifications, work write-ups, projected cost estimates, punch lists or other means of outlining work on a particular project will be submitted in writing to AHCD for review and approval prior to bidding. AHCD Construction and Rehabilitation Inspectors or AHCD's agent will review these items for compliance with new construction and/or rehabilitation standards and materials use.
3. Rehabilitation Standards. All rehabilitation work will comply with the "Uniform Physical Condition Standards for HUD Housing." Workmanship and material standards will comply with the Augusta-Richmond County Housing & Community Development Department Contractors Manual and Performance Standards. A copy of this manual is provided to every contractor when included on the AHCD Approved Contractors List. A copy is enclosed for inclusion.
4. Inspections. All projects will be inspected and approved by an AHCD Construction and Rehabilitation Inspector or AHCD's agent prior to release of the funds for that project.

**APPENDIX 5**  
**CONTRACTOR ACKNOWLEDGEMENT**

Capitalrise LLC acknowledges that this contract and any changes to it by amendment, modification, change order or other similar document may have required or may require the legislative authorization of the Board of Commissioner and approval of the Mayor. Under Georgia law, Capitalrise LLC is deemed to possess knowledge concerning Augusta, Georgia's ability to assume contractual obligations and the consequences of Contractor's provision of goods or services to Augusta, Georgia under an unauthorized contract, amendment, modification, change order or other similar document, including the possibility that Capitalrise LLC may be precluded from recovering payment for such unauthorized goods or services. Accordingly, Capitalrise LLC agrees that if it provides goods or services to Augusta, Georgia under a contract that has not received proper legislative authorization or if Capitalrise LLC provides goods or services to Augusta, Georgia in excess of the any contractually authorized goods or services, as required by Augusta, Georgia's Charter and Code, Augusta, Georgia may withhold payment for any unauthorized goods or services provided by JLovett Homes & Construction. Capitalrise LLC assumes all risk of non-payment for the provision of any unauthorized goods or services to Augusta, Georgia, and it waives all claims to payment or to other remedies for the provision of any unauthorized goods or services to Augusta, Georgia, however characterized including, without limitation, all remedies at law or equity. This acknowledgement shall be a mandatory provision in all Augusta, Georgia contracts for goods and services, except revenue producing contracts.

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Frank Klimes or Peter Tuchyna  
Capitalrise, LLC. Owner

**EXHIBIT A**  
**PROJECT SCHEDULE OF COMPLETION**

CAPITALRISE MUST PROVIDE A COMPLETED SCHEDULE OF COMPLETION AS EXHIBIT A - WITH APPROPRIATE PROJECT MILESTONES WITHIN 10 TO 15 DAYS AFTER SIGNING THIS AGREEMENT. THIS SCHEDULE MUST BE PROVIDED IN SUFFICIENT DETAIL TO PERMIT AHCD TO MONITOR AND ASSESS PROGRESS IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT. A SAMPLE SCHEDULE IS PROVIDED.

**EXHIBIT B**  
**WORK WRITE-UP**

**EXHIBIT C**  
**PROJECT DEVELOPMENT AND MANAGEMENT PROCEDURES**

1. AHCD must review and approve all new construction work, project specifications and total development cost for each residential development project before work is commenced and before funds can be released for payment reimbursement. Construction payments will be released to CAPITALRISE in accordance with the attached drawdown schedule and budget.
2. AHCD will provide the lot on which all new construction efforts will be performed under this Agreement and in connection with the Project.
3. With AHCD approval, CAPITALRISE may use funds under this Agreement for the following purposes:
  - a. To support development costs as outlined in Item 6 below.
4. Completion delays, remedies, and penalties.
  - a. If the Contractor fails to complete the work within the time frame specified in the contract, plus any authorized delays, AHCD may:
    - i. Terminate the contractor in accordance with the “Provisions for Augusta Housing and Community Development Department (AHCD)” clause of this contract.
    - ii. Assess liquidated damages of Two Hundred Dollars (\$200) per working day from the schedule of completion to the date of final acceptance of the project. The total amount of liquidated damages will be deducted from the total contract price, plus any change order amounts.
  - b. The contractor shall not be charged with liquidated damages for any delays in the completion of the work due:
    - i. To any acts of the Federal, State, or City/County Government; including controls or restrictions upon or requisitioning of materials, equipment, tools or labor by reason of war, National Defense, or any other National, State, or City/County emergency.
    - ii. To any acts of the Owner that hinder the progress of the work;
    - iii. To cause not reasonable foreseeable by the parties in this contract at the time the execution of the contract which are beyond the control and without the fault or negligence of the Contractor; including but not restricted to acts of God; acts of the public enemy; acts of another contractor in the performance of some other contract with the owner; fires; floods; epidemics; quarantine restrictions; strikes; freight embargoes; and weather or unusual severity such as hurricanes, tornadoes, cyclones, and other extreme weather conditions; and
    - iv. To any delay of the subcontractor occasioned by any other causes specified in subparagraphs A and B above. Provided, however, that the contractor promptly (within 10 days) notifies AHCD and CAPITALRISE in writing of the cause of the delay. If the facts show the delay to be properly excusable under the terms of this contract, AHCD shall extend the contract time by a period commensurate with the period of authorized delay to the completion of the work as whole; in the form of an amendment to this contract.
5. New Construction Costs and Requirements

- a. CAPITALRISE will provide construction management for the project to ensure that construction work is being carried out in accordance with plans, specifications and the project budget.
  - b. CAPITALRISE must make sure contractors obtain and post all permits on job site.
  - c. CAPITALRISE must collect progress and final lien releases from the contractor, subcontractors, and material suppliers prior to making a payment to a contractor.
  - d. AHCD or its agent may continually inspect each house for contract compliance and to determine the percent of completion prior to processing a draw request and releasing payment. AHCD may choose not to release payments if the work being performed is not of acceptable quality to AHCD and if the house is not being built or rehabilitated in accordance with plans and specifications, or if the project is not on schedule.
6. Permanent Financing and Sales Prices
- a. The sales price of each home sold in accordance with this Agreement must be based on a formal appraisal. Unless otherwise agreed to by AHCD, the sales price of each house shall not exceed the appraised value of the house.
  - b. The purchasers of houses constructed must meet the Augusta program requirements.
  - c. Buyers will be required to borrow no less than 80% of the sale prices of the house from a private lending institution unless otherwise agreed to by AHCD.



**Administrative Services Committee Meeting**

**9/24/2019 1:10 PM**

**HCD\_ Laney Walker/Bethlehem New Construction two (2) Homes Request**

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|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>       | HCD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Presenter:</b>        | Hawthorne Welcher Jr. and/or HCD Staff                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Caption:</b>          | Motion to approve Housing and Community Development Department's (HCD's) request to provide Laney Walker/Bethlehem Revitalization Funding to contract with Captialrise LLC to construct two (2) workforce, residential units on Boyd Lane.                                                                                                                                                                                                                                                                                                                                             |
| <b>Background:</b>       | In 2008, the Augusta Commission passed legislation supporting community development in Laney Walker/Bethlehem. Since that time, the Augusta Housing & Community Development Department has developed a master plan and development guidelines for the area, set up financial incentive programs for developers and home buyers, selected a team of development partners to focus on catalytic change, and created a marketing strategy to promote the overall effort. This project involves construction of two (2) new residential units on Boyd Lane within Laney Walker/ Bethlehem. |
| <b>Analysis:</b>         | The approval of the contract will allow for development activities on these sites to begin.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Financial Impact:</b> | Augusta Housing and Community Development Department receives annual allocations from Laney Walker Bethlehem Project which will fund this contract. Contract Amount 918 Boyd Lane - \$71,631.45 Contract Amount 922 Boyd Lane - \$71,631.45                                                                                                                                                                                                                                                                                                                                            |
| <b>Alternatives:</b>     | Do not approve HCD's Request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Recommendation:</b>   | Motion to approve Housing and Community Development Department's (HCD's) request to provide Laney Walker/Bethlehem Revitalization Funding to contract with                                                                                                                                                                                                                                                                                                                                                                                                                             |

Capitalrise LLC to construct two (2) workforce, residential units on Boyd Lane.

**Funds are  
Available in the  
Following  
Accounts:**

Laney Walker/Bethlehem Revitalization Project funds. Fund 298

**REVIEWED AND APPROVED BY:**

**Finance.**

**Law.**

**Administrator.**

**Clerk of Commission**

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**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Homeless Initiatives for the City of Augusta**

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**Department:**

**Presenter:** Mayor Hardie Davis, Jr.

**Caption:** Discuss Homeless Initiatives for the City of Augusta currently being implemented and what additional things can be done to positively impact the lives of the homeless community.  
**(Requested by Mayor Hardie Davis, Jr.)**

**Background:**

**Analysis:**

**Financial Impact:**

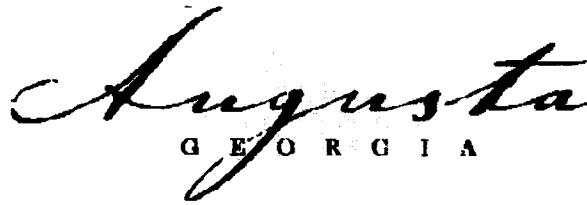
**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

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Administrative Services Committee Meeting Commission Chamber - 9/10/2019

**ATTENDANCE:**

Present: Hons. Sias, Chairman; Clarke, Vice Chairman; Davis and B. Williams, members.

Absent: Hon. Hardie Davis, Jr., Mayor.

**ADMINISTRATIVE SERVICES**

1. The Utilities Department-Facilities Maintenance Division requests the purchase of one new crane truck at a cost of \$135,197 using the GMA lease Program. **Item Action:** Approved

**Motions**

| Motion Type | Motion Text                              | Made By                 | Seconded By                 | Motion Result |
|-------------|------------------------------------------|-------------------------|-----------------------------|---------------|
| Approve     | Motion to approve.<br>Motion Passes 4-0. | Commissioner Mary Davis | Commissioner Bobby Williams | Passes        |

2. Motion to authorize the submission of the 2019 Continuum of Care Exhibit I Consolidated Application, Exhibit 2 Applications (both New and Renewal) and all supporting documentation for the Continuum of Care Application to the U.S. Department of Housing and Urban Development (HUD). **Item Action:** Approved

**Motions**

| Motion Type | Motion Text                              | Made By                     | Seconded By             | Motion Result |
|-------------|------------------------------------------|-----------------------------|-------------------------|---------------|
| Approve     | Motion to approve.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes        |

3.

|                                                                                                                                                  |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Motion to approve Housing and Community Development's (HCD's) 2019 request to reallocate administrative expenses for CDBG, HOME, and CDBG Rehab. | <b>Item Action:</b><br>Approved |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                       | <b>Made By</b>              | <b>Seconded By</b>      | <b>Motion Result</b> |
|--------------------|------------------------------------------|-----------------------------|-------------------------|----------------------|
| Approve            | Motion to approve.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes               |

- |                                                                                                                                                                                                                                                                                 |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 4. Motion to approve Housing and Community Development Department's (HCD's) request to promote and provide financial assistance to Richmond County Teachers, Sheriff Deputies, Marshal Deputies and First Responders to purchase a new home in the Laney Walker Bethlehem Area. | <b>Item Action:</b><br>Approved |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                                               | <b>Made By</b>              | <b>Seconded By</b>      | <b>Motion Result</b> |
|--------------------|------------------------------------------------------------------|-----------------------------|-------------------------|----------------------|
| Approve            | Motion to approve to include all teachers.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes               |

- |                                                                                                                                                                                                                                              |                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 5. Motion to approve Housing and Community Development's (HCD) request to provide rehabilitation services to five (5) homeowner-occupied rehabilitation homes for low-to- moderate homeowners in need of safe, decent and complaint housing. | <b>Item Action:</b><br>Approved |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

| <b>Motion Type</b> | <b>Motion Text</b>                       | <b>Made By</b>              | <b>Seconded By</b>      | <b>Motion Result</b> |
|--------------------|------------------------------------------|-----------------------------|-------------------------|----------------------|
| Approve            | Motion to approve.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes               |

- |                                                                                                                                                |                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 6. Meeting Management System for the purpose of Augusta decorum and order of questions and statements. (Requested by Commissioner John Clarke) | <b>Item Action:</b><br>Approved |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Motions**

|                |                    |
|----------------|--------------------|
| <b>Made By</b> | <b>Seconded By</b> |
|----------------|--------------------|

| Motion Type | Motion Text | Made By | Seconded By | Motion Result |
|-------------|-------------|---------|-------------|---------------|
|-------------|-------------|---------|-------------|---------------|

|         |                                          |                             |                         |        |
|---------|------------------------------------------|-----------------------------|-------------------------|--------|
| Approve | Motion to approve.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner Mary Davis | Passes |
|---------|------------------------------------------|-----------------------------|-------------------------|--------|

7. Motion to approve the minutes of the Administrative Services Committee held on August 27, 2019.

**Item Action:**  
Approved

#### Motions

| Motion Type | Motion Text                              | Made By                     | Seconded By              | Motion Result |
|-------------|------------------------------------------|-----------------------------|--------------------------|---------------|
| Approve     | Motion to approve.<br>Motion Passes 4-0. | Commissioner Bobby Williams | Commissioner John Clarke | Passes        |

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**Administrative Services Committee Meeting  
9/24/2019 1:10 PM  
Minutes**

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**Department:**

**Presenter:**

**Caption:** Motion to approve the minutes of the Administrative Services Committee held on September 10, 2019.

**Background:**

**Analysis:**

**Financial Impact:**

**Alternatives:**

**Recommendation:**

**Funds are  
Available in the  
Following  
Accounts:**

**REVIEWED AND APPROVED BY:**

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