

LUMPKIN COUNTY RESOLUTION NO. 2010-69

A RESOLUTION TO ADOPT A POLICY PROHIBITING THE GRANTING OF GRATUITIES AS PROVIDED BY LAW AND PROVIDING FOR A REVIEW PROCESS FOR CONTRACTING WITH CERTAIN NON-PROFIT AND NON-GOVERNMENTAL ENTITIES

Whereas, the Governing Authority of Lumpkin County must and shall abide by the Georgia Constitution, Article 3, Chapter 6, Paragraph 6, Line (a), (the Gratuity Clause) which prohibits all gratuities except as specifically provided by law; and,

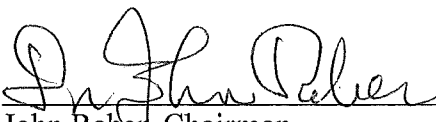
Whereas, the Governing Authority of Lumpkin County may not give any gratuities to any private persons or private organization except as may be specifically authorized and provided by law; and,

Whereas, it is not legal for Lumpkin County to disburse county funds nor provide any service to any entity unless Lumpkin County receives a compensation in return of a value greater than the funding or service provided; and,

Whereas, it has been considered by the Board of Commissioners that a policy should be adopted to establish reasonable requirements and restrictions by which such requests or proposals may be evaluated in a consistent manner;

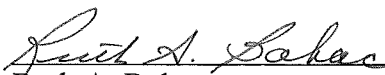
Therefore, the governing authority has determined that any request for County funding, service or support of any kind shall be required to comply with each provision of the policy set out on the attached Exhibit "A," which is by reference incorporated herein as fully as if included in its entirety.

Resolved, adopted and effective this 16th day of December, 2010.



John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:



Ruth A. Bohac
Clerk, Lumpkin County

**Lumpkin County Policy on Funding and Support
of
Non-Governmental Entities**

No gift, gratuity or donation of any kind may be made by Lumpkin County (sometimes herein referred to as "County") to any party except as may be provided by law.

As specifically provided by law, certain funds may be used for specified purposes and such funds shall be accounted for as required by enabling legislation or general law without further requirements, except as County may require in each individual matter. County reserves the right to limit all uses of funds and services unless specifically prohibited by law.

In the event that any person or organization is qualified as a 501(c)(3) of the Internal Revenue Code, such person or organization may make application for consideration as herein provided. Each application should be expected to be denied, however each shall be considered by the governing authority to determine if the proposal is acceptable within the legal limits at that time.

The Governing Authority of Lumpkin County shall require detailed accountability of any private non-profit, (charitable, non-governmental) organization receiving compensation for substantial services rendered to the County and its citizens.

I.

Applicants shall:

- a. Have provided a service or services to Lumpkin County and its citizens as a part of its general and established purpose for not less than two, (2) years immediately prior to submission of application.
- b. Provide the previous years record of the number, (unduplicated client count) of beneficiaries, having received assistance, (divided into categories of type of service/s),
- c. Provide a list of current service/s provide to the citizens of Lumpkin County, which may include but not be limited to) free food, free clothing, free or low cost shelter care, free medical and/or dental care and financial assistance to a minimum of 6 %, (unduplicated client count) of the total population of Lumpkin County, (according to the most current US Census).
- d. Provide organization's Purpose Statement. Records of the organization should be submitted to demonstrate the organization has been faithful to fulfill its purpose as indicated in its purpose statement. (Failure at any time to fulfill the purpose as described in the organizations purpose statement shall be considered breach of contract and subsequent grounds for non-renewal of contract).

- e. Provide names and addresses of organization's Board of Directors.
- f. Provide copy of organization's by-laws or charter with the organization's seal being affixed upon the organization's by-laws or charter,
- g. Provide a copy of previous year's annual budget to the Lumpkin County Board of Commissioners,
- h. Provide a current certificate of liability insurance. (County may require specific amounts of insurance as it deems appropriate at that time, and considering such other facts and issues as it deems appropriate.)
- i. Qualified and approved organizations and any organization currently under contract with the Governing Authority of Lumpkin County, shall Provide annually, on or before March 1st of each year:
 - 1. A current certificate of insurance.
 - 2. The preceding year's budget and the past year's financial statement. This report shall also disclose any findings of financial discrepancies.
 - 3. The adopted budget for the current year.
 - 4. A consolidated report of the services rendered and the number of Lumpkin County citizens assisted in the previous year (both total counts and unduplicated numbers).
- j. Any private non-profit organization currently receiving compensation for services provided to the citizens of Lumpkin County and has not entered into contract with the Governing Authority of Lumpkin County, shall make application to the Lumpkin County Board of Commissioners in the above said manner, (within ninety, (90) days of notification by the Board of Commissioners).

II.

Definitions:

- a. Service/Services- Providing physical, mental or emotional assistance to persons in need of such services, which may include teaching or care giving as well as food, shelter, etc.
- b. Total client count - The total number of people served, to include multiple services as a separate count for each service and each day.
- c. Unduplicated client count - the counting of a person, (client) receiving assistance and not being counted as a client more than once within the present calendar year, regardless of various types of services received.

III.

Buildings and Property

The County has the duty to care for all county buildings/ property.

In cases where an organization may request a lease of County property with the intent of improving the County property, the following rules shall apply and be enumerated within a contract between the Governing Authority of Lumpkin County and the requesting organization.

- a. Submit a written request along with accurate and/or appropriate plans for simple changes. If structural changes are required, certified architectural plans must be submitted along with the written request. In all cases, all applicable code requirements (local, state or federal, to include but not be limited to: ADA codes, structural codes, plumbing, landscape or electrical codes), must be followed. Parties should be aware that any improvement to an existing building will require that the entire building be improved to the then current ADA requirements.
- b. When work is to be done by licensed contractors, lien waivers and lien warranties must be provided.
- c. Work may not be done by lay members of the group unless all work is supervised by a licensed professional who signs off on the work. This approval shall warrant that all work was done in a workmanlike manner consistent with the professional standards of the type of work being done.
- d. Only actual money disbursed for the project shall be credited as a cost of the improvements. "Self help" and member work shall not be counted towards credit. The actual monies invested must be reported to the Lumpkin County Finance Department for audit purposes and will be reflected in amended valuation of the building/property.
- e. Multi-year lease of building/property shall provide for the Governing Authority of Lumpkin County to terminate lease at the end of any year without penalty except that any cost of improvements shall be reimbursed by Lumpkin County to the organization under contract with the county. The current (last day of lease) value of the improvements shall be the initial monetary investment less pro rata straight line depreciation for the time in the building after the acceptance of the improvements. Depreciation shall be based on the schedule hereinafter set out unless otherwise approved by the Board of Commissioners.

[As an example: If the improvement is assigned a five year depreciation schedule, and the lease is terminated by the governing authority at the end of the second year of the lease, the Lessee (not in breach) would receive reimbursement of 3/5 or 60 per cent of the Finance Department accepted sum of the cost of the improvements.]

f. Once a contract for lease of improvements is approved, the lessee (requesting organization) must complete improvements within one year of approval of request. If a requesting organization does not complete improvements within aforesaid time, the requesting organization shall be considered in breach of contract, and the contract may be terminated and no reimbursement shall be made to the requesting organization.

IV.

Form of agreement.

a. The document setting out the terms and specific responsibilities of County and the receiving organization may be referred to as "the agreement," "the contract," "the lease," or any other equivalent descriptive word or phrase.

b. The receiving organization must execute (sign) the agreement in the manner as required by County, based on the documentation required under Section I above or as deemed appropriate by County.

V.

Breach of Agreement.

a. County shall not be considered in breach of agreement/contract for any action taken.

b. Receiving organization shall be considered in breach of the agreement/contract if such organization fails to perform any act set out in this policy or any act specified in the agreement itself.

c. A refusal or failure to perform an act required by this policy or by the specific document between County and the receiving organization shall be considered as a breach of the agreement/contract.

— End —