

CANDLER COUNTY PROPERTY DISPOSITION ORDINANCE

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CANDLER COUNTY SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF ADOPTING AN ORDINANCE GOVERNING THE DISPOSITION OF COUNTY REAL AND PERSONAL PROPERTY AND FOR OTHER PURPOSES ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CANDLER COUNTY HELD ON THE 21ST DAY OF SEPTEMBER, 2009.

WHEREAS, Candler County presently has no regulations governing the disposition of county real and personal property; and

WHEREAS, the Board of Commissioners deems it in the best interest of the citizens of Candler County to adopt an ordinance governing the disposition of county real and personal property;

NOW THEREFORE BE IT ORDAINED, AND IT HEREBY IS ORDAINED, by the Board of Commissioners of Candler County as follows:

Section 1. Title. This ordinance shall be known as and may be cited as the "Candler County Property Disposition Ordinance."

Section 2. Purpose. The Purpose of this Ordinance is to establish regulations governing the disposition of county real and personal property.

Section 3. Disposition of real property.

(a) Declaration of unserviceability required. The board of commissioners shall determine whether a particular parcel of county real property can no longer be used advantageously by the county and has therefore become unserviceable. No

department head, agency head, constitutional officer, or other appointed/elected official of the county shall be authorized to sale and/or dispose of any county real property.

(b) Public sale required. Disposition of real property owned by the county shall be conducted by public sale in accordance with O.C.G.A. § 36-9-3, or as otherwise provided by state law.

(c) Exceptions to public sale. The following transactions shall not be governed by subsection (b):

(1) A redemption of real property acquired by county under tax deed;

(2) A grant of easement or license;

(3) A grant or conveyance of right-of-way or for other transportation purchases;

(4) A conveyance to any other unit of government;

(5) A conveyance of recreational set-aside property to a homeowner's association in the manner permitted by state law;

(6) A lease that constitutes a usufruct under state law.

(c) Procedures. Other than dispositions governed by subsection (b) or by specified provisions of state law, any disposition of county real property may be made at public or private sale, upon such terms as the board of commissioners shall deem to be in the county's best interest.

Section 4. Disposition of personal property.

(a) Declaration of unserviceability required. The board of commissioners shall determine whether a particular item or category of county personal property can no longer be used advantageously by the county and has therefore become unserviceable. No department head, agency head, constitutional officer, or other appointed/elected official of the county shall be authorized to sale and/or dispose of any county personal property.

(b) Procedures.

(1) Department heads, agency heads, constitutional officers, and/or other appointed/elected officials of the county shall report to the County Administrator any particular item or category of county personal property they believe can no longer be used advantageously by the county and has therefore become unserviceable.

(2) Following a determination by the board of commissioners that the particular item or category of county personal property is unserviceable, the unserviceable item or category of personal property may be sold by public sale, sealed bidding, spot bidding or any other means deemed most advantageous to the county under the particular circumstances as determined by the board of commissioners.

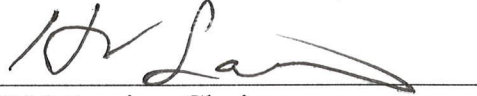
(3) A sale to a private person shall be for the highest net purchase price reasonably obtainable by the county. A sale to another unit of government shall be for a fair and reasonable purchase price that need not be as high as the purchase price obtainable from a private person.

Section 5. Remedies. A violation of this Ordinance shall be a misdemeanor offense and shall be punished by a fine not to exceed \$1,000.00 and/or imprisonment of not more than 12 months. In the event any provision of this Ordinance has been violated or is being violated, in addition to any other remedies available under Georgia law, the County may institute injunctions, mandamus, or other appropriate action or proceeding to prevent or abate such violation.

Section 6. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners of Candler County to provide for separable and devisable parts, and it does hereby readopt any and all parts hereof as may not be held invalid for any reason.

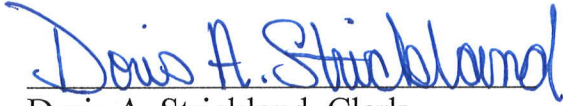
SO ADOPTED this 21st day of September, 2009, to be effective immediately, the public health, safety, and general welfare demanding.

CANDLER COUNTY, GEORGIA



H.V. Lanier, Chairman

ATTEST:



Doris A. Strickland, Clerk

[SEAL]