



**CITY OF SENECA REGULAR COUNCIL MEETING
AUGUST 10, 2021 6:00PM-CITY HALL COUNCIL CHAMBERS**

ATTENDEES: Mayor Dan Alexander, Mayor Pro Tem Ronnie O'Kelley, Council Members- Al Gaines, Denise Rozman, Stuart Pohl, Joel Ward, Dana Moore, Scott Durham, and WC Honeycutt.

ALSO PRESENT- Scott Moulder-City Administrator, Bo Bowman-City Attorney, Josh Riches-Finance Director, Bob Faires-Utilities Director, Ernie Beck-Public Works Director, Tracy Chapman-Planning, Ammia Martin-Human Resources, Kathy Wilkes-Municipal Clerk.

CALL TO ORDER:

Mayor Alexander called the meeting to order at 6:00pm.

WELCOME:

Mayor Alexander

INVOCATION:

Mr. Al Gaines

PLEDGE OF ALLEGIANCE:

Mr. Joel Ward

PUBLIC COMMENTS:

Mrs. Cathy Certain along with Brandon Overholt addressed Council on behalf of the SC National Guard Family Readiness Program. She is also representing her husband on behalf of the Alpha Battery 263rd NCO Club. They are trying to do a Military/Solider appreciation day. She stated that their soldiers have been stretched a little thin, especially since the tornado, and they want to show them that they are appreciated and needed. She stated that Rick Lacey and Riley Johnson has been great with letting them use the Gignilliat Field on Sept 11th. They are reaching out to the community for help to make this a good day for the soldiers and their families. Unfortunately, the military will only pay for the soldiers to eat. They are expecting 700 to 1,000 people that day from all over the United States. The soldiers will be going on another mission within the next year and will be away from their families. If there is any help that they could get, including volunteers, they would appreciate it. They are a 501(C)(3) organization. Mr. Ward stated he gave all the council members an information sheet. Mr. O'Kelley told Mr. Moulder to make sure to get Mrs. Certain's contact information. Mayor Alexander thanked Mrs. Certain and Mr. Overholt, and stated that the Council will meet again in a few weeks. A request can be made before that meeting and Mr. Moulder can look at the request.

Kim and Drue Yates were called to speak, however they stated they did not want to speak and were just there for the meeting.

APPROVAL OF MINUTES:

MOTION by Mr. Ward, **SECONDED** by Mr. Honeycutt to approve the City of Seneca Council meeting minutes dated July 13, 2021, Exhibit A. ***Approved unanimously 9-0.***

MOTION by Mr. Pohl, **SECONDED** by Mr. Durham to approve the City of Seneca Special Called Council meeting minutes dated July 27, 2021, Exhibit B. ***Approved unanimously 9-0***

MOTION by Mr. Pohl, **SECONDED** by Mr. Honeycutt to approve the Seneca Planning Commission meeting minutes dated July 27, 2021, Exhibit C. ***Approved unanimously 9-0***

PAY CITY'S BILLS:

MOTION by Mr. O'Kelley, **SECONDED** by Mr. Honeycutt to pay The City's bills. ***Approved unanimously 9-0.***

SECOND READING OF ORDINANCE 2021-14:

MOTION by Mr. Honeycutt, **SECONDED** by Mr. Durham to approve the 2nd reading of ordinance 2021-14, an ordinance to rezone Fairfield Dr. from R-10 to R-6. Exhibit D. ***Approved unanimously 9-0.***

SENECA LIGHT AND WATER DONATION & GRANTS REQUEST:

MOTION by Mrs. Rozman, **SECONDED** by Mr. Durham to approve the Seneca Light and Water donation and grant request to The Golden Corner Food Pantry in the amount of \$2,000. ***Approved unanimous 9-0.***

MOTION by Mr. Honeycutt, **SECONDED** by Mr. Durham to approve the Seneca Light and Water donation and grant request to The Ride to Work Ministry in the amount of \$1,500. ***Approved unanimous 9-0.***

MOTION by Mr. Honeycutt, **SECONDED** by Mr. Moore to approve the Seneca Light and Water donation and grant request to The Seneca Woman's Club in the amount of \$1,500. ***Approved unanimous 9-0.***

MOTION by Mr. Durham, **SECONDED** by Mr. Honeycutt to approve the Seneca Light and Water donation and grant request to The Upstate Institute of Youth Programs in the amount of \$1,000. ***Approved unanimous 9-0.***

MOTION by Mr. Pohl, **SECONDED** by Mr. Durham to approve the Seneca Light and Water donation and grant request to The Oconee Memorial Foundation in the amount of \$1,500. ***Approved unanimous 9-0.***

MOTION by Mr. Durham, **SECONDED** by Mr. Honeycutt to approve the two Seneca Light and Water 2022 Seneca High School Scholarships in the amount of \$1,000 each. ***Approved unanimous 9-0.***

MAYOR ALEXANDER:

Mayor Alexander stated for the record that any donation above \$1,000 needs to come before City Council to be voted on. The above agencies requesting grants and donations do a lot in this community and he thanked them for their hard work. The Oconee Memorial Hospital is expanding the emergency room and the groundbreaking is next week.

SCOTT MOULDER:

Mr. Moulder stated that he and his wife celebrated 24 years of marriage yesterday, August 09, 2021.

ADJOURN:

Mayor Alexander adjourned the meeting at 6:11pm.

Daniel W. Alexander, Mayor

Kathy Wilkes, Municipal Clerk



**CITY OF SENECA WORK SESSION AND SPECIAL CALLED COUNCIL MEETING
AUGUST 31, 2021 6:00PM-CITY HALL COUNCIL CHAMBERS**

ATTENDEES: Mayor Dan Alexander, Mayor Pro Tem Ronnie O'Kelley.

Council Members-Denise Rozman, Stuart Pohl, Dana Moore, Scott Durham, WC Honeycutt, Al Gaines and Joel Ward.

ALSO PRESENT- Scott Moulder-City Administrator, Bo Bowman-City Attorney, Josh Riches-Finance Director, Bob Faires-Utilities Director, Ed Halbig-Planning Director, Casey Bowling-Police Chief, Richie Caudill-Fire Chief, Danielle Smith-Assistant Finance Director, Ernie Beck-Public Works, Kathy Wilkes-Municipal Clerk.

CALL TO ORDER:

Mayor Alexander called the Special Called Meeting to order at 6:05pm.

WELCOME:

Mayor Alexander

INVOCATION:

Mr. WC Honeycutt

PLEDGE OF ALLEGIANCE:

Mr. Dana Moore

REMARKS:

Mayor Dan Alexander: Looking at the American Flag makes me think of all the Veterans within the week or so who have given the ultimate sacrifice. We're blessed to be able to live in the greatest country in the world and be here tonight to discuss things that affect our community. That's the freedom that many have fought for. My thoughts and prayers go out to the families.

WORK SESSION:

• **Reapproval of the Seneca Planning Commission Meeting (Date Correction.)**

Mr. Moulder: In the last meeting in the motion we stated the date as July 27, 2021, and in fact the date was actually July 19, 2021. We felt like it would be appropriate to bring it back to council to reapprove those minutes.

• **Reel Mower Lease for the Recreation Department.**

Mr. Moulder: The last Mower Lease Resolution that was approved referenced where we were getting the new one but did not reference the fact that we were incorporating the original mower and the original lease. The resolution stated the 102 mower but did not state the 101 mower. We are asking you to approve a new resolution that

incorporates both machines and both leases into that one lease resolution. It is not a new lease just a restatement on the one already done.

- **Procurement Ordinance.**

Mr. Moulder: If you recall we received a Community Development Block Grant in order to complete the school demolition. Those are federal funds and there are certain requirements that the city must follow to receive those grants and be in compliance with the granting agency. As part of that, there are some items that we are required to incorporate into our procurement ordinance. This language deals with equal opportunity, independent cost analysis, conflict of interest in procurement and protest procedures. All we're asking you to do is amend the procurement ordinance to incorporate this language required. This came from our grant administrator Ms. Arlene Young with the Appalachian Council of Government. It is in title only tonight. We wanted to have a second reading on the ordinance prior to our onsite review so that we can show them the languages in our procurement ordinance. We will have Mr. Bowman draft that ordinance for you.

- **Citizen Serve**

Mr. Moulder: We have talked in the past about the process our citizens must go through to get a building permit and business license. We wanted to simplify this process and utilize more online services to make it easier to communicate and access our services. After review, we have decided to move forward with Citizen Serve software. The allocated funds are in our budget. This is the same software Oconee County uses so it will integrate with the county's GIS system as well. It will also give connectivity to our utilities department. The process is live in real time. It is new, so there will be some bumps in the road but in the end it's going to be a much simpler process. Right now it is a long process and we want to eliminate that and make it easier for our citizens.

Mr. Honeycutt: If someone wants to use the site for the Seneca Business Development Support Center will it be on there site as well?

Mr. Moulder: It is not online yet, but if a business comes in, they know to get Riley to personally walk them through it.

Mr. Durham: Does Citizen Serve include flood plane districts or anything of that nature?

Mr. Moulder: Yes. It will include planning, zoning, permits, business licenses.

Mr. Durham: From a contractor's point of view this will be great.

Mr. Pohl: Would we be filing hospitality taxes on the website?

Mr. Moulder: Hospitality tax would not be associated with this, but maybe that's a next step.

- **Ordinance 2021-15 (ordinance to rezone E.S. 7th St and S. Townville St from PD-R to R-6.)**

Mr. Halbig: The Planning Commission heard the application for the rezoning of E.S. 7th St and S. Townville St from PDR that we rezoned it to in 2019 to R6. The Planning Commission did not make that recommendation and they are recommending that it stays PDR. The City Council may want to take up the option to vacate the original zoning amendment and revert back to the previous zoning. The application is also there for them to rezone it to R6 without the Planning Commission's recommendation.

Mayor Alexander: The Planning Commission wants to leave it as is?

Mr. Halbig: That is correct.

Mr. Moore: The Planning Commission's issue was with storm water in that area?

Mr. Halbig: That is correct. The applicants felt that the requirements of the storm water would be too difficult. However, it's not the Planning Commission's recommendation to try and bypass storm water regulations.

Armory Request for Donation for Veterans Event in The Amount Of \$1000

Mr. Moulder: If you recall we had a speaker at the last meeting requesting some assistance in honoring the Veterans and their families here in Seneca. They've officially asked for a \$1000 donation to assist with the event. The Armory is always generous with helping the city. We are submitting to you for consideration of the \$1000 donation.

Mr. Pohl: I noticed that Mower Lease is not a capital lease but a rental.

Mr. Moulder: It is a long-term lease. Not a lease to purchase but like a rental. They will switch the equipment out every four years and handle the maintenance of the machines.

PUBLIC COMMENTS:

None

SPECIAL CALLED MEETING:

MOTION by Mr. Moore **SECONDED** by Mr. Durham to approve the Seneca Planning Commission Meeting minutes dated July 19, 2021, Exhibit A. ***Approved unanimously 7-0.***

MOTION by Mr. Ward **SECONDED** by Mr. Pohl to approve the Resolution authorizing the negotiation, execution and delivery of lease number 004-0769051-101 dated March 19, 2021, between the City of Seneca and VGM Financial Services and to allow the City Attorney to provide an "Opinion of Counsel" letter and to allow the Mayor and City Administrator to sign the Certificate of Incumbency, Exhibit B. ***Approved unanimously 7-0.***

MOTION by Mr. Pohl **SECONDED** by Mr. Durham to approve the 1st reading of Ordinance No. 2021-16, a Procurement Ordinance. ***Approved unanimously 7-0.***

MOTION by Mr. Ward **SECONDED** by Mr. Durham to approve Seneca Light and Water donation request to the Armory for the Veterans Event in the amount of \$1,000. ***Approved unanimously 7-0.***

ADJOURN:

Mayor Alexander adjourned the meeting at 6:20pm.

Daniel W. Alexander, Mayor

Kathy Wilkes, Municipal Clerk

The Seneca Planning Commission met on Monday, August 16, 2021, at 6:00 p.m. in the Council Chambers at City of Seneca. Members present included Mr. Barry Duvall, Chair, Mr. Ted Durham Jr., Mr. Keith Hart, Vice Chair, and Mr. Matthew Durham. Also present, Mr. Edward Halbig, Director, and Ms. Tracy Chapman, Zoning Administrator and other interested persons listed in minute book. The press and public were duly notified as required by law. Mr. Drew Merck and Mr. John Gillespie was absent.

Mr. Duvall opened the meeting.

OPENING

Motion made by Mr. Durham to approve minutes as submitted.

MOTION-
MINUTES

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham,

NAY none

MOTION- Tabled
#1 ZA 2021-06

MOTION made by Mr. Durham to bring item ZA 2021-06 off table for discussion.

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham,

NAY none

Mr. Duvall asked board members if they had any questions for staff.

Mr. Durham asked for reminder of PDR requirements.

Mr. Duvall discussed. He asked staff if applicant had provided any new information.

Mr. Halbig shared with board a handout from applicant showing lot layout with conservation easements. He also discussed PDR requirements.

Mr. Hart asked how many access points there would be.

Mr. Halbig stated the drawing showed 4.

Mr. Halbig discussed R-10 zoning classification.

Mr. Durham asked for clarification about what the difference was between the zoning classifications.

Mr. Duvall discussed.

Mr. Durham asked staff if property was to be rezoned R-10 would there be any issues.

Mr. Halbig discussed vacating the previous decision, which would leave R-15 and R-10 zoning requiring one uniform zoning and non-conforming uses. He stated the advantage of having all R-10 which would avoid non-conforming uses.

Mr. Duvall stated that city council can change the planning commissions zoning recommendation.

Mr. Halbig stated that seeking the PDR zoning requires more from the developer, and that larger acreage triggers SCDHEC review and compliance.

**MOTION-ZA
2021-06**

MOTION made by Mr. Durham to have ZA 2021-06 remain as presently zoned PDR (Planned Development Residential).

SECOND made by Mr. Hart

AYE Mr. Hart, Mr. Durham Jr., Mr. Duvall, Mr. Durham,

NAY none

NEW BUSINESS

Mr. Duvall asked if there was any new business to discuss.

Mr. Halbig discussed request for proposals for the comprehensive plan.

Mr. Duvall discussed subdivision guidelines.

OLD BUSINESS

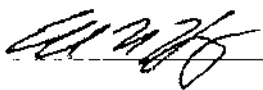
Mr. Duvall asked if there was any old business to discuss.

There being none.

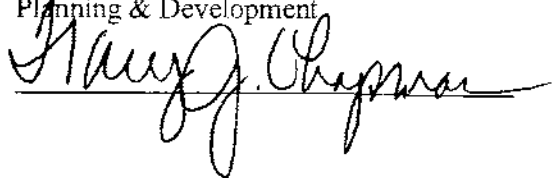
ADJOURN

Meeting adjourned at 6:14 p.m.

Edward Halbig, Director
Planning & Development



Tracy J. Chapman, Zoning Administrator
Planning & Development



ORDINANCE NO. 2021-15

AN ORDINANCE TO AMMEND THE OFFICIAL ZONING ORDINANCE
OF THE CITY OF SENECA

WHEREAS, that certain property located at E S 7th Street and S. Townville Street and denoted by Tax Map numbers 520-46-06-003, 520-46-01-002, 520-46-01-004, 520-46-01-005, 520-46-06-025, 520-46-06-021, 520-45-06-012, 520-46-06-002, and 520-45-06-010, as shown on a plat of survey attached herein as Exhibit "A", and:

WHEREAS, pursuant to application, said property is requested to be zoned from PD-R to R-6.

BE IT ENACTED BY THE governing Body of the City of Seneca and Council duly assembled, and by the authority of same that the Official Zoning Ordinance of the City of Seneca is herein amended to rezone property located at E S 7th Street and S. Townville Street and denoted by Tax Map 520-46-06-003, 520-46-01-002, 520-46-01-004, 520-46-01-005, 520-46-06-025, 520-46-06-021, 520-45-06-012, 520-46-06-002, and 520-45-06-010, as shown on a plat of survey attached herein as Exhibit "A" to R-6.

DONE AND DULY ORDAINED BY THE municipal Council of the City of Seneca, in Council duly assembled on the date hereinafter set forth.

PROPOSED ORDINANCE APPROVED AS TO FORM this 14th day of September 2021.

R. BOATNER BOWMAN, City Attorney

APPROVED AND RATIFIED on First Reading this 14th day of September 2021 by a vote of

_____ YES _____ NO _____ ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this _____ day of _____
_____ 2021 by a vote of

_____ YES _____ NO _____ ABSTAIN

_____, Clerk

Attest:

_____, Mayor

Exhibit A



CITY OF SENECA

ORDINANCE NO. 2021-16

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE V OF
THE CITY OF SENECA CODE OF ORDINANCES DEALING WITH
THE PROCUREMENT CODE ("PURCHASING PROCEDURES")
OF THE CITY OF SENECA

WHEREAS, Seneca City Council has the authority to establish and enforce ordinances as shall appear necessary and proper in the best interest of the City; and

WHEREAS, from time to time it is necessary to amend various ordinances of the City of Seneca in the best interests of the City and to comply with various governmental and other regulations and requirements.

NOW, THEREFORE, upon motion of City Council, and BY SENECA CITY COUNCIL, in Council duly assembled, and with a quorum present and voting, BE IT ORDAINED that the Purchasing Procedures of the City of Seneca, Chapter 2, Article V, of the Code of Ordinances, City of Seneca, South Carolina is hereby amended by adding thereto the following underlined words and deleting the stricken text as follows:

ARTICLE V. PURCHASING PROCEDURES

Sec. 2-223. Reserved. Purpose

The purpose of this article is to provide for the fair and equitable treatment of all parties involved in public purchasing for the City of Seneca, South Carolina, to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity for a city of the size of Seneca, South Carolina.

To promote free competition and equal opportunity, the City of Seneca is committed to assisting small, minority-owned and woman-owned businesses in becoming active vendors with the City of Seneca. The city encourages and invites small, woman-owned, and/or minority-owned businesses located inside and outside the city limits to participate in the city's procurement process. It is the policy of the city to prohibit discrimination against any person or business in pursuit of procurement opportunities on the basis of race, color, national origin, ancestry, religion, disability, political affiliation or gender.

Sec. 2-224. Formal contract procedure.

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed five thousand dollars (\$5,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. No contract

or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the estimated value shall exceed five thousand dollars (\$5,000.00), shall be sold by formal written contract or at a public auction to the highest responsible bidder, after due notice inviting proposals and bidders. For the purpose of this article, a contract shall be those documents when applicable as prescribed in the Uniform Commercial Code.

Sec. 2-225. Competitive bidding required, exception.

(a) Before any purchases or contracts for supplies, materials, equipment or services exceeding one thousand dollars (\$1,000.00) are made, the city shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding five thousand dollars (\$5,000.00), oral bids may be accepted. All other bids shall be in writing. Competitive bidding shall be encouraged for all contracts, purchases or sales. However, in the event of an emergency affecting the public welfare, health or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the city with the city council and shall be entered in the minutes of the council.

(b) Exemptions [shall be as follows]:

- (1) Published books, periodicals and technical pamphlets.
- (2) Postage.
- (3) Invoices for gas, electricity, water and sewer services provided by public utilities subject to rate regulation by the public services commission.
- (4) U.S. post office box rentals.
- (5) Copyrights, educational films, filmstrips, slides and transparencies.
- (6) Oil company credit card purchases for gas and oil.
- (7) Professional dues and registration and membership fees.
- (8) Attorneys.
- (9) Certified public accountants and public accountants engaged to perform financial and/or compliance audits, subject to approval by the state auditor's office, with actuarial audits and other accounting services to be procured under the terms of the consolidated procurement code.
- (10) Hospital and medical clinic services.
- (11) Medical doctors and psychiatrists.
- (12) Optometrists.

- (13) Dentists.
- (14) Registered nurses.
- (15) Licensed practical nurses.
- (16) Court reporters.
- (17) Expert witness services.
- (18) Furniture refurbishing services of the department of corrections.
- (19) Services and/or supplies provided by the division of general services to public procurement units or other state and federal departments, when applicable.
- (20) Printed examination forms used in the administration of state licensing examinations.
- (21) Instructional training seminars to employees on a registration fee basis and those contractual consultant services necessary to provide the professional instruction for the seminars.
- (22) Veterinary services customarily obtained on a fee basis rather than a competitive solicitation.
- (23) Telephone and communication services.
- (24) Appraisers.
- (25) Insurance.
- (26) Advertisements in professional journals or publications.
- (27) Advertising time or space in newspapers, radio or television. (Note: Consultants obtained to handle advertising campaigns for agencies such as PRT and state development board are not exempted.)
- (28) License agreements for computer software after such software has been competitively bid as required by the procurement code.
- (29) Tuition paid to all institutions of higher learning.
- (30) Purchases from other governmental entities.
- (31) Accommodations and lodgings.
- (32) Professional services provided to the city or to a department of the city.
- (33) Banking services.
- (34) Service contracts on equipment either purchased or leased by the city.

- (35) Rental fees for uniforms, laundry services and other items used continuously by the city.

Sec. 2-226. Award to lowest bidder; advertising, when required.

All contracts for City improvements, materials, equipment, or services, with the exception of exemptions as listed in subsection 2-225(b), costing more than ten thousand dollars (\$10,000.00) shall be awarded to the lowest responsible bidder after publication in a newspaper of general circulation in the city at least two (2) days before the last day set for receipt of proposals. Provided, however, the city may accept a bid from a local vendor, having a place of business in the city and holding a valid business license, that is not the lowest bidder, provided that such bid is within two (2) percent of the next lowest bid. The two (2) percent shall be computed by taking the lowest bid and multiplying that times point zero two (.02). The newspaper notice required herein shall include a general description of the articles or services to be purchased and shall state where bid blanks and specifications may be secured and the time and place for opening bids.

Sec. 2-227. Bid deposits.

When deemed necessary by the city, bid deposits shall be prescribed in the public notices inviting bids. Upon entering [into] a contract, bidders shall be entitled to return of bid deposit where the city has required such. A successful bidder shall forfeit any bid deposit required by the city upon failure on his part to enter into a contract within ten (10) days after the award; however, the city, in its uncontrolled discretion, may waive this forfeiture.

Sec. 2-228. Sealed bid procedures.

Procedure for sealed bids shall be as follows:

- (a) *Sealing.* Bids shall be submitted to the city securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions.
- (b) *Opening.* Bids shall be opened in public at the time and place stated in the public notices.
- (c) *Tabulation.* A tabulation of all bids received shall be available for public inspection.
- (d) *Rejection of bids.* The city shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.
- (e) *Bidders in default to the city.* The city shall not accept the bid of a vendor or contractor who is delinquent in the payment of taxes, license or other moneys due the city.
- (f) *Award of contract.*

- (1) *Reserved.*
- (2) *Lowest responsible bidder.* Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the city shall consider:
 - a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - c. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - d. The quality or performance of previous contracts or services;
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
 - f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - g. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
 - i. The number and scope of conditions attached to the bid.
- (g) *Award to other than low bidder.* When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the city and filed with the papers relating to the transaction and held for a period of no less than twelve (12) months.
- (h) *Tie bids; local vendors.* If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. If two (2) or more of such bids are submitted by local bidders, the city shall award the contract to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the city shall award the contract to one of the outside tie bidders by drawing lots in public. The city, local bidders, and vendors should bear in mind, however, that to award a contract to a local vendor where he is not the lowest responsible bidder, or where price, quality and service are not equal, is to give preference to one minute segment of the citizenry against the best interest of the community as a whole.

- (i) *Performance bonds.* The city shall have the authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interest of the city.
- (j) *Payment bond/labor and material bond.* The city may require a payment bond and a labor and material bond, before entering into a contract, in such form and amount as he/she shall deem necessary to protect the best interest of the city.
- (k) *Equal opportunity to businesses in which the majority ownership is by disadvantaged and/or female persons.* The Administrator shall affirmatively ensure that all business enterprises in which a majority of the ownership is by disadvantaged persons and/or women will be afforded full opportunity to submit proposals in response to a request for bids, and will not be discriminated against on the grounds of gender, race, color, national origin, ancestry, religion, disability, or political affiliations for an award.
- (l) *Independent cost analysis.* In order to comply with federal and state grant requirements an independent cost analysis will be obtained prior to solicitation. An independent cost analysis is a tool for measuring cost reasonableness.

Sec. 2-229. Material testing.

The city shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the city shall have the authority to make use of laboratory facilities of any agency of the city government or any outside laboratory.

Sec. 2-230. Records of bids.

The city shall keep a record of bids submitted in competition thereon, and such records shall also be open to public inspection.

Sec. 2-231. Reserved.

Sec. 2-232. Surplus stock.

The mayor shall have the authority to transfer surplus stock to other offices, departments or agencies of the city government.

Sec. 2-233. Supplies unsuitable for public use, sale or exchange.

The city shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade in the same on, new supplies. Such sales shall be made to the highest bidder, and in conformance with section 2-224. All moneys received from such sales shall be paid into the appropriate fund of the city. However, nothing in this article shall prohibit the city from disposing of items determined to be worthless.

Sec. 2-234. Gifts and rebates.

Every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be, awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the city.

Sec. 2-235. Cooperative purchasing.

The city shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby; provided that the city is given the authority to make purchases of supplies and equipment through the property division of the state budget and control board, without the formality of publication and receiving competitive bids.

Sec. 2-236. Conflict of interest in procurement

No officer or employee of the city having any supervisory authority to purchase any specific goods, services or construction for the city shall have any financial interest in connection with the purchase of such goods, services or construction. No officer or employee shall participate in the procurement or selection process when such officer or employee has a relationship with a person or business entity seeking a contract under this chapter which would subject such officer or employee to the prohibition of Section 2-71 of the Code of Ordinances of the City of Seneca.

Sec. 2-237. Disputes and protested solicitations and awards

- (a) Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the City Administrator, except as otherwise stated in this article. The protest shall be submitted in writing within ten (10) calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.

- (b) Authority to Resolve Protests. The City Administrator shall have authority, prior to being heard by council, to settle and resolve a protest by an aggrieved bidder, offeror, or a contractor, actual or prospective, concerning the solicitation or award of a contract.
- (c) Decision. If the protest is not resolved by mutual agreement, the City Administrator shall issue a decision in writing within ten (10) calendar days. The decision shall:
- (1) state the reasons for the action taken; and
 - (2) inform the individual(s) protesting in connection with the solicitation or award of their right to council review as provided in this Section.
- (d) Notice of Decision. A copy of the decision shall be mailed or otherwise furnished immediately to the protestant and any other intervening party. Copies of the notices will be provided to city council as well.
- (e) Appeals to City Council. A decision by the Procurement Officer can be appealed to city council within five (5) days after a decision is issued through a written request addressed to city council. The request must outline the reasons they are adversely affected by a decision and desired outcome of a hearing. The request will be heard by council at the next scheduled city council meeting. The decision of city council will finalize the award.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

PROPOSED ORDINANCE APPROVED AS TO FORM this _____ day of _____, 2021.

R. BOATNER BOWMAN, City Attorney

APPROVED AND RATIFIED on First Reading this 31st day of August, 2021. by a vote of

_____ YES _____ NO _____ ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this 14th day of
September, 2021, by a vote of

_____ YES _____ NO _____ ABSTAIN

_____, Clerk

Attest:

_____, Mayor

A RESOLUTION

**DESIGNATING AN AUTHORIZED REPRESENTATIVE
AND CONTACT PERSON FOR PURPOSES OF THE
AMERICAN RESCUE PLAN ACT OF 2021**

WHEREAS, the American Rescue Plan Act of 2021 ("ARPA") appropriates \$19.53 billion to States for distribution to nonentitlement units of local government ("NEUs"), which are local governments typically serving a population under 50,000;

WHEREAS, the City of Seneca, South Carolina ("Municipality"), is an NEU for purposes of ARPA and expects to receive funding pursuant to the ARPA appropriation;

WHEREAS, ARPA requires that the Municipality designate an Authorized Representative to approve and sign documents, make certifications required by ARPA, and otherwise act as the Municipality's designated and lawfully appointed agent for purposes of ARPA; and

WHEREAS, ARPA further requires that the Municipality designate a Contact Person to receive official communications and notice related to ARPA;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Scott Moulder, the City Administrator of the Municipality, is hereby designated as the Municipality's Authorized Representative pursuant to ARPA. The Authorized Representative is hereby authorized and directed to do all things necessary (including without limitation to sign documents, make certifications, make regular reports to council and otherwise act on behalf of the Municipality) to receive and expend funds pursuant to an appropriation by council and ARPA rules. The Authorized Representative's contact information is:

Scott Moulder
City Administrator
221 E. N. 1st Street, Seneca, SC 29678
(864) 885-2700
smoulder@seneca.sc.us

Section 2. Josh Riches, the Finance Director of the Municipality, is hereby designated as the Municipality's Contact Person pursuant to ARPA. The Contact Person's contact information is:

Josh Riches
Finance Director
221 E. N. 1st Street, Seneca, SC 29678
(864) 885-2700
jriches@seneca.sc.us

DONE IN MEETING duly assembled this 14th day of September, 2021.

[EXECUTION PAGE TO FOLLOW]

CITY OF SENECA, SOUTH CAROLINA

Mayor

(SEAL)

ATTEST:

Clerk

Approved as to form:

R. Boatner Bowman, City Attorney
City of Seneca, South Carolina