

RESOLUTION 2017-

**STATE OF GEORGIA
CITY OF BROOKHAVEN**

**RESOLUTION TO RATIFY AND APPROVE THE EMERGENCY ACTIONS OF THE
CITY MANAGER IN RESPONDING TO AN IMMINENTLY DANGEROUS
CONDITION ON FERNWOOD CIRCLE**

WHEREAS, the Charter designates the City Manager as the Chief Administrative Officer of the City, Charter § 3.03,

WHEREAS, the Charter authorizes the City to deal with emergencies as they arise, Charter § 1.03(b) (7), and

WHEREAS, a sinkhole was discovered on Fernwood Road on June 15, 2017, which presented an emergent danger to public health and safety, and

WHEREAS, the Council had previously authorized a contract with an on-call service provider up to \$100,000 for emergency repairs and response as deemed necessary by either the City Manager or the Public Works Director, and

WHEREAS, the Council, by Ordinance, had authorized \$50,000 in contract authority to the City Manager, and

WHEREAS, the estimated cost of the repair to the sink hole was 79,981.55, and

WHEREAS, the City Manager consulted with the City Attorney and together they determined that the emergency nature of the situation required immediate action to protect public safety and health, and that the authority vested in the City Manager under the Charter authorized such emergency action pending ratification and review by Council.

NOW THEREFORE, the Mayor and City Council at a regularly scheduled and open meeting do hereby RESOLVE and conclude as follows:

1. The information and recitation contained above are adopted as factual findings of the Council.
2. The actions of the City Manager to respond to the imminent risk of harm or danger to the public were appropriate.
3. The actions of the City Manager to approve the emergency repairs are ratified and made the action of the Council.
4. The Contract for repair to Fernwood Road is authorized and the City Manager is authorized to sign a final document in accordance with this Resolution.

SO RESOLVED, this 29th Day of June, 2017.

John Arthur Ernst, Jr.
Mayor

Attest:

Approved as to form:

Susan Hiott
City Clerk

Christopher D. Balch
City Attorney