



# **BALDWIN COUNTY COMMISSIONERS PUBLIC HEARING AND REGULAR MEETING**

**December 07, 2021  
1601 N Columbia St, Suite 220  
6:00 PM**

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## **AGENDA**

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC HEARING**

1. Recreational Vehicle Park Lodging Tax - County Manager

### **APPROVAL OF MINUTES**

2. 100 Year Proclamation for Baldwin Lodge 159 - Chairman

### **APPROVAL OF MINUTES**

3. November 16, 2021 Work Session  
November 16, 2021 Regular Meeting

### **ADMINISTRATIVE/FISCAL MATTERS**

4. Georgia Department of Transportation (GDOT) Mowing and Maintenance Agreement for SR 22 / SR 24 - County Manager and GDOT Representatives
5. Recreational Vehicle Park Lodging Tax - County Manager
6. CHIP 2022 Grant Application Certification Assurances - County Manager
7. Transit Zero Tolerance Policy - County Manager
8. EMS Contract - County Manager
9. Resolution Supporting Reform to Georgia's Annexation Dispute Resolution Law - Chairman

[10.](#) Resolution Regarding Mitigation Rates for Fire Rescue - County Manager

[11.](#) FY 2022 Budget Resolution - Assistant County Manager

12. Redistricting Map Submission to State - County Manager

**OLD BUSINESS**

**NEW BUSINESS**

**COUNTY MANAGER'S REPORT**

**PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS**

**ADJOURNMENT**

**REMINDERS**

## Chapter 2-14 - TAXATION

### ARTICLE I. - IN GENERAL

2-14-2—2-14-19 - Reserved.

### ARTICLE II. – RECREATIONAL VEHICLE PARK LODGING TAX

2-14-20 - Definitions.

The following words, terms and phrases shall, for the purposes of this ordinance and except where the context clearly indicates a different meaning, be defined as follows:

(a)Person. An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, non-profit corporation or cooperative non-profit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the County is without power to impose the tax herein provided.

(b)Operator. Any person operating a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County, including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, lender in possession, license to or any other person otherwise operating such hotel.

(c)Occupant. Any person who, for a consideration, uses, possesses, or has the right to use or possess any tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(d)Occupancy. The use or possession, or the right to the use or possession, of any tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County. Occupancy also means the right to the use or possession of the furnishings or to the services or accommodations accompanying the use and possession of the room or space.

(e)Guest Room. A room, lodging, or accommodation occupied, or intended, arranged, or designed for occupancy, by one or more occupants, other than meeting rooms, intended, designed and use for such purpose.

(f)Rent. The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

(g)Return. Any return filed or required to be filed as herein provided.

(h)County Manager or designee. The County Manager or designee appointed by the Board of Commissioners of Baldwin County, Georgia.

(i)County. Baldwin County, a political subdivision of the State of Georgia.

(j)Space. Location with a prescribed right, use, possession or occupancy of an RV park or campground, including accessory structures, as defined by the operator.

(k)Tax. The tax imposed by this ordinance.

(l)Monthly Period. The calendar months of any year.

#### 2-14-21 - Imposition and Rate of Tax.

There is hereby levied and assessed, and there shall be paid a tax of five percent of the rent for every occupancy of a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in which rooms or space are furnished for value in the unincorporated area of Baldwin County.

The tax imposed by this ordinance shall be paid upon any occupancy on and after October 1, 2021, although such occupancy is pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid, or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period from October 1, 2021, and any monthly period thereafter.

#### 2-14-22 - Persons Liable for Tax; Extinguishment of Liability.

Every person occupying a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County is liable for the tax. His liability is not extinguished until the tax has been paid to this County except that a receipt from an operator naming a place of business in this County or from an operator who is authorized by the County Manager or designee under such rules and regulations as he may prescribe, to collect the tax and who is, for the purposes of this ordinance, regarded as an operator maintaining a place of business in the unincorporated area of Baldwin County, which receipt is given is sufficient to relieve the occupancy from further liability for the tax to which the receipt refers.

#### 2-14-23 - Collection of Tax by Operator; Receipt to Occupant; Rules for Collection Schedules.

Every operator maintaining a place of business in the unincorporated area of Baldwin County, as provided in the next preceding Section, and renting guest rooms or space in the unincorporated area of Baldwin County, excluding residences and hotels/motels, shall, at the time of collecting rent from the occupant and on demand shall give to the occupant a receipt therefor. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred in accordance therewith, and the operator shall be liable therefor at the time and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The County Manager or designee shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

#### 2-14-24 - Unlawful Advertising Regarding Tax.

It is unlawful for any operator to advertise or hold out or state to the public or to any guest directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rental of the guest room, or that, if added, it or any part thereof, will be refunded.

#### 2-14-25 - Registration of Operator; Form and Contents; Execution; Certificate of Authority.

Every person engaging or about to engage in business to offer occupancy of a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in which rooms or space are furnished for value in the unincorporated area of Baldwin County shall immediately register with the Planning Department of the County, on a form provided by the Planning Department. Persons engaged in such business must so register not later than 15 days after the date this ordinance becomes effective and the tax is imposed as set forth in Section 2-14-21, but such privilege of registration after the imposition of such tax shall not relieve any person from the obligation of payment or collection of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the same name under which such person transacts business or intends to transact business, the location of his place or places of business and such other information which would facilitate the collection of the tax as the County Manager or designee may require. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The County Manager or designee shall, after such registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state name and location of the business to which it is applicable and shall prominently display therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be returned immediately to the County Manager or designee upon the cessation of business at said location. Should the County Manager or designee deem it necessary, in order to facilitate initial registration hereunder of persons engaged in business, or prior to the date of imposition of tax as set forth therefor, other than those provided in this Section. Such provisions shall be made to effect the purposes hereof.

#### 2-14-26 - Determination, Returns and Payments.

(a)Due Date of Taxes. The tax imposed by this ordinance shall become due and payable from the occupant at the time of occupancy of any guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County. All amount of such taxes collected by any operator shall be due and payable to the County Manager or designee monthly on or before the twentieth day of every month next succeeding such respective monthly period as set forth in Section 2-14-21.

(b)Return; Time of Filing; Persons Required to File; Execution. On or before the twentieth day of the month following each monthly period shall be filed with the County Manager or designee in such form as County Manager or designee may prescribe, by every operator, liable for the payment of tax hereunder. For purposes of this Section, a return shall be deemed filed if postmarked on the twentieth day, or, if the twentieth day falls upon a Holiday recognized by the State of Georgia or upon a Saturday or Sunday, then a return postmarked on the next business day shall be regarded as timely filed.

(c)Contents of Return. All returns shall show the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the County Manager or designee.

(d)Delivery of Return and Remittance. The person required to file the return shall deliver the return, together with the remittance of the Net Amount of Tax Due to the Finance Department at 1601 N. Columbia Street, Suite 230, Milledgeville, Georgia 31061.

#### 2-14-27 - Deficiency Determinations.

(a)Recomputation of Tax; Authority to Make; Basis of Recomputation. If the County Manager or designee is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the County by any person, she may compute and determine the amount required to be paid upon the basis of any information within her possession or that may come into her possession. One or more than one Deficiency Determinations may be made of the amount due for one or more than one monthly period.

(b)Interest on Deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof from the 20th day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

(c)Offsetting of Overpayments. In making a determination the County Manager or designee may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in Section 2-14-28(c).

(d)Penalty; Negligence or Disregard of Rules and Regulations. Reserved.

(e)Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provisions of this ordinance or other authorized rules and regulations, a penalty of 50 percent of the total amount of taxes due, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this ordinance.

(f)Notice of County Manager or designee's Determination; Service of. The County Manager or designee, or her designated representative, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his address as it appears in the records of the County Manager or designee. In case of service by mail of any notice required by this ordinance, the service is complete at the time of deposit in the United States Post Office.

(g)Time Within Which Notice of Deficiency Determination to be Mailed. Except in the case of fraud, intent to evade this ordinance or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

#### 2-14-28 - Determination if No Return Made.

(a)Estimate of Gross Receipts. If any person fails to make a return, the County Manager or designee shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in the unincorporated area of Baldwin County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the

return and shall be based upon any information which is or may come to the possession of the County Manager or designee. Upon the basis of this estimate the County Manager or designee shall compute and determine the amount required to be paid the County, adding to the sum thus determined any applicable penalties. One or more determinations may be made for one or for more than one period.

(b)Manner of Computation; Offsets; Interest. In making a determination the County Manager or designee may offset overpayments for a period or penalties, and against the interest on the under payments. The interest on under payments shall be computed in the manner set forth in Section 2-14-28(c)

(c)Interest on Amount Found Due. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(d)Penalty for Fraud or Intent to Evade. If the failure of any person to file a return is due to fraud or an intent to evade this ordinance or rules and regulations, a penalty of 50 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this ordinance.

(e)Giving of Notice; Manner of Service. Promptly after making his determination, the County Manager or designee shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

#### 2-14-29 - Penalties and Interest for Failure to Pay Tax.

(a)When any operator fails to make any return or to pay the full amount of the tax imposed by this ordinance, a penalty shall be added to the tax in the amount of five percent or \$5.00, whichever is greater, if the failure is for not more than 30 days. An additional penalty of five percent or \$5.00, whichever is greater, shall be added for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation under this Section shall not exceed 25 percent or \$25.00 in the aggregate, whichever is greater. The penalty imposed herein shall be in addition to the tax, any other penalties, and interest on the unpaid tax as set forth in this ordinance.

(b)The amount of the unpaid tax, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

#### 2-14-30 - Collection of Tax.

(a)Security, the County Manager or designee May Exact; Amount; Sale of; Notice of Sale; Return of Surplus. The County Manager or designee whenever he deems it necessary to ensure compliance with this ordinance, may require any person subject thereto to deposit with him such security as the County Manager or designee may determine. The amount of the security shall be fixed by the County Manager or designee but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the County Manager or designee deems proper, or \$5,000.00, whichever amount is the lesser.

The amount of the security may be increased by the County Manager or designee subject to the limitations herein provided. The County Manager or designee may sell the security at public auction, with the approval of the Board of Commissioners if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the County Manager or designee. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b)Action for Tax; Time for. At any time within three years after any tax or amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the County Manager or designee may bring action in the courts of this State, or any other State, or of the United States in the name of the County to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. The bringing of such an action shall not be a prerequisite for the issuance of a fieri facias (fi. fa.) under the provisions of subsection (g) hereof.

(c)Duty of Successors or Assignees of Operator to Withhold Tax from Purchase Money. If any operator liable for any amount under this ordinance sells out his business or quits the business, his successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the County Manager or designee showing that he has been paid or a certificate stating that no amount is due.

(d)Liability for Failure to Withhold; Certificate of Notice of Amount Due; Time to Enforce Successor's Liability. If the purchaser of a business fails to withhold purchase price as required in subsection (c), the purchaser shall become personally liable for the payment of the unpaid taxes. Within 30 days after receiving a written request from the purchaser for a certificate, the County Manager or designee shall either issue the certificate or mail notice to the purchaser at the address as it appears on the records of the County Manager or designee of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs the later. Any purchaser that fails to withhold from the purchase price the amount of unpaid taxes or fails to pay any amount of such tax for which it becomes liable as a result of said purchase shall not be permitted to obtain an occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

(e)Tax Credit, Penalty or Interest Paid More than Once or Erroneously or Illegally Collected. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by the County under this ordinance, it may be offset as provided in Section 2-14-28(c). If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the County Manager or designee he will have three years from date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited by the Baldwin County Finance Department. If the claim is approved by the County Manager or designee, the excess amount paid the County may be credited on any amounts then due and payable from, the person by whom it was paid, or his administrators or executors.



(f)Lien for Taxes. The lien of taxes collectible under the provisions of this ordinance shall date from January 1 of the year in which the taxes become due, and the lien of such taxes shall be a special lien on the property upon which the same are due and a general lien against all property of the taxpayer owing same.

(g)County Manager Authorized to Issue Fieri Facias. The Baldwin County Manager is hereby authorized to issue a fieri facias (fi. fa.) for execution and levy to satisfy the amount of any tax, penalty, or interest due but not paid under the provisions of this ordinance.

(h)Eligibility for Occupational Tax and/or Alcoholic Beverage License. Any person who fails to pay the tax imposed herein to the County or fails to pay any amount of such tax required to be collected and paid to the County shall not be permitted to obtain or renew their occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

2-14-31 - Administrator of Ordinance.

(a)Authority of County Manager or designee. The County Manager or designee shall administer and enforce the provisions of this ordinance for the levy and collection of the tax imposed by this ordinance.

(b)Rules and Regulations. The County Manager or designee shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with the Ordinance, other laws or ordinances of Baldwin County and the State of Georgia, or the constitution of this State or the United States for the administrator and enforcement of the provisions of this ordinance and the collection of the taxes hereunder.

(c)Records Required from Operators, etc., Form. Every operator renting guest room or space to a person in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County shall keep such records, receipts, invoices, and other pertinent papers in such form as the County Manager or designee may require.

(d)Examination of Records; Audits. The County Manager or designee or any person authorized in writing by the County Manager or designee may examine the books, papers, records, financial reports, equipment and other facilities of any operator renting guest rooms to a person and any operator liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(e)Authority to Require Reports; Contents. In administering the provisions of this ordinance, the County Manager or designee may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to rentals of guest rooms or space which are subject to the tax. The reports shall be filed with the County Manager or designee when required by the County Manager or designee and shall set forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the County Manager or designee may require.

(f)Disclosure of Business of Operators, etc., Limitation on Rule. The County Manager or designee or any person having an administrative duty under this ordinance shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any

particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this ordinance, except in case of Judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed, or as required by the Georgia Open Records Act. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

#### 2-14-32 - Severability.

If any section, subsection, sentence, clause, phrase or a portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall 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 as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

#### 2-14-33 - Violations.

Any person violating any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided by the Code of Ordinances of Baldwin County. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, and shall be punished accordingly.

Any operator or other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the County Manager or designee or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report, with intent to defeat or evade the termination of an amount due required by this ordinance to be made shall be deemed guilty of an offense and upon convictions thereof shall be punished as aforesaid.

#### 2-14-34 - Effective Date.

This ordinance shall become effective upon the 1st day of January, 2022. Amendments to this ordinance shall become effective upon the date specified by the Baldwin County Board of Commissioners when said amendment is adopted.



# BALDWIN COUNTY WORK SESSION

November 16, 2021  
1601 N Columbia St, Suite 220  
4:00 PM

## MINUTES

### MEMBERS PRESENT

Henry Craig  
John Westmoreland  
Kendrick Butts  
Emily Davis  
Sammy Hall

### OTHERS PRESENT

Carlos Tobar  
David McRee  
Dawn Hudson

### CALL TO ORDER

Chairman Henry Craig called the November 16, 2021 Work Session to order at 4:00 p.m.

### ADMINISTRATIVE/FISCAL MATTERS

#### Zoning

Mr. Taylor Stickels and Mr. Gary Morris, Representatives from the Middle Georgia Regional Commission, presented information on proposed zoning for the County. They discussed Article II which defines the districts and the permitted / conditional uses.

Commissioners discussed the establishment of various type zoning districts and permitted / conditional uses for these districts. After further discussion, Chairman Craig stated he felt it would be most beneficial if Commissioners individually reviewed the proposed maps and provided feedback and presented their questions. Commissioner Hall stated he felt a meeting of all Commissioners together should be held after everyone has had a chance to individually review the information.

### ADJOURNMENT

Commissioner Emily Davis made a motion to adjourn the Work Session at 5:48 p.m. Commissioner Kendrick Butts seconded the motion and it passed unanimously.

Respectfully submitted,

Henry R. Craig  
Chairman

Cynthia K. Cunningham  
County Clerk



## BALDWIN COUNTY REGULAR MEETING

November 2, 2021  
 1601 N Columbia St, Suite 220  
 6:00 PM

### MINUTES

#### **MEMBERS PRESENT**

Henry Craig  
 John Westmoreland  
 Kendrick Butts  
 Emily Davis  
 Sammy Hall

#### **OTHERS PRESENT**

Carlos Tobar  
 David McRee  
 Dawn Hudson

#### **CALL TO ORDER**

Chairman Henry Craig called the November 16, 2021 Regular Meeting to order at 6:00 p.m.

#### **APPROVAL OF MINUTES**

Vice Chairman John Westmoreland made a motion to approve the minutes of the November 2, 2021 Work Session, the November 2, 2021 Public Hearing and Regular Meeting and the November 2, 2021 Executive Session. Commissioner Emily Davis seconded the motion and it passed unanimously.

#### **PRESENTATIONS**

##### Communities in Schools

Communities in Schools Executive Director Janet Cavin expressed her appreciation to the Board for their support of Communities in Schools (CIS) programs. She discussed how funding is used including its use as leverage for other funding sources. Ms. Cavin reported on other grants that have been received that help in education efforts in the school system. On behalf of the students and parents of Baldwin County Schools, she again thanked Commissioners for their support and for the opportunity to make a presentation before them.

#### **ADMINISTRATIVE / FISCAL MATTERS**

##### Appointment to Development Authority of Milledgeville / Baldwin County Board of Directors

A letter of recommendation was presented for the re-appointment of Greg Tyson to the Board of Directors of the Development Authority.

Commissioner Emily Davis made a motion to reappoint Mr. Greg Tyson to serve on the Board of the Development Authority of Milledgeville / Baldwin County. Commissioner Sammy Hall seconded the motion and it passed unanimously.

##### Appointment to Region 5 EMS Advisory Council

Fire Chief Victor Young presented a recommendation for Mr. David Carver to serve as the Region 5 EMS Advisory Council Member for the term 2021-2024.

Commissioner Sammy Hall made a motion to appoint Mr. David Carver to serve on the Region 5 EMS Advisory Council. Commissioner Emily Davis seconded the motion and it passed unanimously.

### Title VI Assurance / Nondiscrimination Agreement

County Manager Carlos Tobar presented the title VI Non-Discrimination Agreement between the Georgia Department of Transportation (GDOT) and Baldwin County. He reported this is a requirement by GDOT in order for the County to receive federal funding.

Vice Chairman John Westmoreland made a motion to approve the Title VI Assurance / Nondiscrimination Agreement as presented. Commissioner Sammy Hall seconded the motion and it passed unanimously.

### Georgia Department of Transportation Policy for Procurement, Management and Administration of Engineering and Design Related Consultant Services

County Manager Tobar stated this is another requirement of the Georgia Department of Transportation (GDOT) in order for the County to receive state and federally funded transportation funds. The policy states that the County will abide by the requirements outlined in the procurement policy in matters of procurement, management and administration of engineering and design related consultant services. The policy states that all personnel involved in the procurement, management and administration of engineering and design related consultant services attend the GDOT training and pass the test. Mr. Tobar reported he and Engineer Brian Wood have completed the training and passed the test.

Commissioner Sammy Hall made a motion to adopt the GDOT Policy for Procurement, Management and Administration of Engineering and Designed Related Consultant Services as presented. Commissioner Kendrick Butts seconded the motion and it passed unanimously.

### Georgia Department of Transportation (GDOT) contract with DBT Transportation Services for AWOS System

County Manager Carlos Tobar discussed a GDOT Contract with DBT Transportation Services for the installation of a new AWOS System at the Airport. He requested authorization for the Chairman to sign the Agreement and to provide twenty-five percent (25%) matching funds as long as the match does not exceed \$50,000.

Vice Chairman John Westmoreland made a motion to authorize the Chairman to sign the GDOT contract and to authorize a match not to exceed \$50,000 for the installation of the new AWOS system. Commissioner Sammy Hall seconded the motion and it passed unanimously.

### **OLD BUSINESS**

There was no old business to come before the Board.

### **NEW BUSINESS**

There was no new business to come before the Board.

### **COUNTY MANAGER'S REPORT**

County Manager Tobar presented an update on the following: County has sent all information to new county water customers, effective January 1, 2021; city has installed the meter; replaced all 6,600 feet of defective water pipe in Erin Shores; testing of the lines has been done; shoulders and right-of-way grassing continues; driveway entrance at Government Building should be completed soon; striping of newly paved roads has started; roundabout start dated has been moved to December 13 to allow for additional public notice.

### **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS**

Ms. Susie Marshall addressed the Board regarding lighting on the Southside of the County and the gang shootings. She also reported on the Community Thanksgiving Dinner and stated if anyone would like to donate items to please call Tracy Harper.

Ms. Sharon Lord addressed the Board regarding lighting in Hardwick.

Ms. Edwina Hubbard addressed the Board regarding lighting and cameras in Oconee Heights.

Ms. Jessica McQuain addressed the Board regarding the mental health crisis in the County.

**EXECUTIVE SESSION**

Commissioner Sammy Hall made a motion to go into Executive Session at 6:45 to discuss personnel. Vice Chairman John Westmoreland seconded the motion and it passed unanimously.

**REOPEN REGULAR MEETING**

Commissioner Emily Davis made a motion to reopen the Regular Meeting at 7:20 p.m. Commissioner Kendrick Butts seconded the motion and it passed unanimously.

**ADJOURNMENT**

Commissioner Emily Davis made a motion to adjourn the meeting at 7:20 p.m. Commissioner Sammy Hall seconded the motion and it passed unanimously.

Respectfully submitted

Henry R. Craig  
Chairman

Cynthia K. Cunningham  
County Clerk

## Chapter 2-14 - TAXATION

### ARTICLE I. - IN GENERAL

2-14-2—2-14-19 - Reserved.

### ARTICLE II. – RECREATIONAL VEHICLE PARK LODGING TAX

2-14-20 - Definitions.

The following words, terms and phrases shall, for the purposes of this ordinance and except where the context clearly indicates a different meaning, be defined as follows:

(a)Person. An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, non-profit corporation or cooperative non-profit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the County is without power to impose the tax herein provided.

(b)Operator. Any person operating a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County, including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, lender in possession, license to or any other person otherwise operating such hotel.

(c)Occupant. Any person who, for a consideration, uses, possesses, or has the right to use or possess any tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(d)Occupancy. The use or possession, or the right to the use or possession, of any tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels in the unincorporated area of Baldwin County. Occupancy also means the right to the use or possession of the furnishings or to the services or accommodations accompanying the use and possession of the room or space.

(e)Guest Room. A room, lodging, or accommodation occupied, or intended, arranged, or designed for occupancy, by one or more occupants, other than meeting rooms, intended, designed and use for such purpose.

(f)Rent. The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

(g)Return. Any return filed or required to be filed as herein provided.

(h)County Manager or designee. The County Manager or designee appointed by the Board of Commissioners of Baldwin County, Georgia.

(i)County. Baldwin County, a political subdivision of the State of Georgia.

(j)Space. Location with a prescribed right, use, possession or occupancy of an RV park or campground, including accessory structures, as defined by the operator.

(k)Tax. The tax imposed by this ordinance.

(l)Monthly Period. The calendar months of any year.

#### 2-14-21 - Imposition and Rate of Tax.

There is hereby levied and assessed, and there shall be paid a tax of five percent of the rent for every occupancy of a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in which rooms or space are furnished for value in the unincorporated area of Baldwin County.

The tax imposed by this ordinance shall be paid upon any occupancy on and after October 1, 2021, although such occupancy is pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid, or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period from October 1, 2021, and any monthly period thereafter.

#### 2-14-22 - Persons Liable for Tax; Extinguishment of Liability.

Every person occupying a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County is liable for the tax. His liability is not extinguished until the tax has been paid to this County except that a receipt from an operator naming a place of business in this County or from an operator who is authorized by the County Manager or designee under such rules and regulations as he may prescribe, to collect the tax and who is, for the purposes of this ordinance, regarded as an operator maintaining a place of business in the unincorporated area of Baldwin County, which receipt is given is sufficient to relieve the occupancy from further liability for the tax to which the receipt refers.

#### 2-14-23 - Collection of Tax by Operator; Receipt to Occupant; Rules for Collection Schedules.

Every operator maintaining a place of business in the unincorporated area of Baldwin County, as provided in the next preceding Section, and renting guest rooms or space in the unincorporated area of Baldwin County, excluding residences and hotels/motels, shall, at the time of collecting rent from the occupant and on demand shall give to the occupant a receipt therefor. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred in accordance therewith, and the operator shall be liable therefor at the time and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The County Manager or designee shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

#### 2-14-24 - Unlawful Advertising Regarding Tax.

It is unlawful for any operator to advertise or hold out or state to the public or to any guest directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rental of the guest room, or that, if added, it or any part thereof, will be refunded.



2-14-25 - Registration of Operator; Form and Contents; Execution; Certificate of Authority.

Every person engaging or about to engage in business to offer occupancy of a guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in which rooms or space are furnished for value in the unincorporated area of Baldwin County shall immediately register with the Planning Department of the County, on a form provided by the Planning Department. Persons engaged in such business must so register not later than 15 days after the date this ordinance becomes effective and the tax is imposed as set forth in Section 2-14-21, but such privilege of registration after the imposition of such tax shall not relieve any person from the obligation of payment or collection of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the same name under which such person transacts business or intends to transact business, the location of his place or places of business and such other information which would facilitate the collection of the tax as the County Manager or designee may require. The registration shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The County Manager or designee shall, after such registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state name and location of the business to which it is applicable and shall prominently display therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be returned immediately to the County Manager or designee upon the cessation of business at said location. Should the County Manager or designee deem it necessary, in order to facilitate initial registration hereunder of persons engaged in business, or prior to the date of imposition of tax as set forth therefor, other than those provided in this Section. Such provisions shall be made to effect the purposes hereof.

2-14-26 - Determination, Returns and Payments.

(a)Due Date of Taxes. The tax imposed by this ordinance shall become due and payable from the occupant at the time of occupancy of any guest room or space in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County. All amount of such taxes collected by any operator shall be due and payable to the County Manager or designee monthly on or before the twentieth day of every month next succeeding such respective monthly period as set forth in Section 2-14-21.

(b)Return; Time of Filing; Persons Required to File; Execution. On or before the twentieth day of the month following each monthly period shall be filed with the County Manager or designee in such form as County Manager or designee may prescribe, by every operator, liable for the payment of tax hereunder. For purposes of this Section, a return shall be deemed filed if postmarked on the twentieth day, or, if the twentieth day falls upon a Holiday recognized by the State of Georgia or upon a Saturday or Sunday, then a return postmarked on the next business day shall be regarded as timely filed.

(c)Contents of Return. All returns shall show the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the County Manager or designee.

(d)Delivery of Return and Remittance. The person required to file the return shall deliver the return, together with the remittance of the Net Amount of Tax Due to the Finance Department at 1601 N. Columbia Street, Suite 230, Milledgeville, Georgia 31061.

#### 2-14-27 - Deficiency Determinations.

(a)Recomputation of Tax; Authority to Make; Basis of Recomputation. If the County Manager or designee is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the County by any person, she may compute and determine the amount required to be paid upon the basis of any information within her possession or that may come into her possession. One or more than one Deficiency Determinations may be made of the amount due for one or more than one monthly period.

(b)Interest on Deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof from the 20th day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

(c)Offsetting of Overpayments. In making a determination the County Manager or designee may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in Section 2-14-28(c).

(d)Penalty; Negligence or Disregard of Rules and Regulations. Reserved.

(e)Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provisions of this ordinance or other authorized rules and regulations, a penalty of 50 percent of the total amount of taxes due, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this ordinance.

(f)Notice of County Manager or designee's Determination; Service of. The County Manager or designee, or her designated representative, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his address as it appears in the records of the County Manager or designee. In case of service by mail of any notice required by this ordinance, the service is complete at the time of deposit in the United States Post Office.

(g)Time Within Which Notice of Deficiency Determination to be Mailed. Except in the case of fraud, intent to evade this ordinance or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

#### 2-14-28 - Determination if No Return Made.

(a)Estimate of Gross Receipts. If any person fails to make a return, the County Manager or designee shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in the unincorporated area of Baldwin County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the

return and shall be based upon any information which is or may come to the possession of the County Manager or designee. Upon the basis of this estimate the County Manager or designee shall compute and determine the amount required to be paid the County, adding to the sum thus determined any applicable penalties. One or more determinations may be made for one or for more than one period.

(b)Manner of Computation; Offsets; Interest. In making a determination the County Manager or designee may offset overpayments for a period or penalties, and against the interest on the under payments. The interest on under payments shall be computed in the manner set forth in Section 2-14-28(c)

(c)Interest on Amount Found Due. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(d)Penalty for Fraud or Intent to Evade. If the failure of any person to file a return is due to fraud or an intent to evade this ordinance or rules and regulations, a penalty of 50 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this ordinance.

(e)Giving of Notice; Manner of Service. Promptly after making his determination, the County Manager or designee shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

#### 2-14-29 - Penalties and Interest for Failure to Pay Tax.

(a)When any operator fails to make any return or to pay the full amount of the tax imposed by this ordinance, a penalty shall be added to the tax in the amount of five percent or \$5.00, whichever is greater, if the failure is for not more than 30 days. An additional penalty of five percent or \$5.00, whichever is greater, shall be added for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation under this Section shall not exceed 25 percent or \$25.00 in the aggregate, whichever is greater. The penalty imposed herein shall be in addition to the tax, any other penalties, and interest on the unpaid tax as set forth in this ordinance.

(b)The amount of the unpaid tax, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

#### 2-14-30 - Collection of Tax.

(a)Security, the County Manager or designee May Exact; Amount; Sale of; Notice of Sale; Return of Surplus. The County Manager or designee whenever he deems it necessary to ensure compliance with this ordinance, may require any person subject thereto to deposit with him such security as the County Manager or designee may determine. The amount of the security shall be fixed by the County Manager or designee but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the County Manager or designee deems proper, or \$5,000.00, whichever amount is the lesser.

The amount of the security may be increased by the County Manager or designee subject to the limitations herein provided. The County Manager or designee may sell the security at public auction, with the approval of the Board of Commissioners if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the County Manager or designee. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b)Action for Tax; Time for. At any time within three years after any tax or amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the County Manager or designee may bring action in the courts of this State, or any other State, or of the United States in the name of the County to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. The bringing of such an action shall not be a prerequisite for the issuance of a fieri facias (fi. fa.) under the provisions of subsection (g) hereof.

(c)Duty of Successors or Assignees of Operator to Withhold Tax from Purchase Money. If any operator liable for any amount under this ordinance sells out his business or quits the business, his successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the County Manager or designee showing that he has been paid or a certificate stating that no amount is due.

(d)Liability for Failure to Withhold; Certificate of Notice of Amount Due; Time to Enforce Successor's Liability. If the purchaser of a business fails to withhold purchase price as required in subsection (c), the purchaser shall become personally liable for the payment of the unpaid taxes. Within 30 days after receiving a written request from the purchaser for a certificate, the County Manager or designee shall either issue the certificate or mail notice to the purchaser at the address as it appears on the records of the County Manager or designee of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs the later. Any purchaser that fails to withhold from the purchase price the amount of unpaid taxes or fails to pay any amount of such tax for which it becomes liable as a result of said purchase shall not be permitted to obtain an occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

(e)Tax Credit, Penalty or Interest Paid More than Once or Erroneously or Illegally Collected. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by the County under this ordinance, it may be offset as provided in Section 2-14-28(c). If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the County Manager or designee he will have three years from date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited by the Baldwin County Finance Department. If the claim is approved by the County Manager or designee, the excess amount paid the County may be credited on any amounts then due and payable from, the person by whom it was paid, or his administrators or executors.

(f)Lien for Taxes. The lien of taxes collectible under the provisions of this ordinance shall date from January 1 of the year in which the taxes become due, and the lien of such taxes shall be a special lien on the property upon which the same are due and a general lien against all property of the taxpayer owing same.

(g)County Manager Authorized to Issue Fieri Facias. The Baldwin County Manager is hereby authorized to issue a fieri facias (fi. fa.) for execution and levy to satisfy the amount of any tax, penalty, or interest due but not paid under the provisions of this ordinance.

(h)Eligibility for Occupational Tax and/or Alcoholic Beverage License. Any person who fails to pay the tax imposed herein to the County or fails to pay any amount of such tax required to be collected and paid to the County shall not be permitted to obtain or renew their occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

2-14-31 - Administrator of Ordinance.

(a)Authority of County Manager or designee. The County Manager or designee shall administer and enforce the provisions of this ordinance for the levy and collection of the tax imposed by this ordinance.

(b)Rules and Regulations. The County Manager or designee shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with the Ordinance, other laws or ordinances of Baldwin County and the State of Georgia, or the constitution of this State or the United States for the administrator and enforcement of the provisions of this ordinance and the collection of the taxes hereunder.

(c)Records Required from Operators, etc., Form. Every operator renting guest room or space to a person in a tourist camp, tourist cabin, campground, or any other place, excluding residences and hotels/motels, in the unincorporated area of Baldwin County shall keep such records, receipts, invoices, and other pertinent papers in such form as the County Manager or designee may require.

(d)Examination of Records; Audits. The County Manager or designee or any person authorized in writing by the County Manager or designee may examine the books, papers, records, financial reports, equipment and other facilities of any operator renting guest rooms to a person and any operator liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(e)Authority to Require Reports; Contents. In administering the provisions of this ordinance, the County Manager or designee may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to rentals of guest rooms or space which are subject to the tax. The reports shall be filed with the County Manager or designee when required by the County Manager or designee and shall set forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the County Manager or designee may require.

(f)Disclosure of Business of Operators, etc., Limitation on Rule. The County Manager or designee or any person having an administrative duty under this ordinance shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any

particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this ordinance, except in case of Judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed, or as required by the Georgia Open Records Act. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

#### 2-14-32 - Severability.

If any section, subsection, sentence, clause, phrase or a portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall 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 as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

#### 2-14-33 - Violations.

Any person violating any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided by the Code of Ordinances of Baldwin County. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, and shall be punished accordingly.

Any operator or other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the County Manager or designee or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report, with intent to defeat or evade the termination of an amount due required by this ordinance to be made shall be deemed guilty of an offense and upon convictions thereof shall be punished as aforesaid.

#### 2-14-34 - Effective Date.

This ordinance shall become effective upon the 1st day of January, 2022. Amendments to this ordinance shall become effective upon the date specified by the Baldwin County Board of Commissioners when said amendment is adopted.

## CHIP 2022 Grant Application Certified Assurances

Instructions: This Certified Assurances Form must be completed and signed by the Applicant's Certifying Representative. It must be included in the application submission.

### Assurances

The Applicant hereby certifies and assures that:

1. The Applicant possesses the legal authority to apply for the grant and execute the proposed activity.
2. The Applicant's governing body has duly adopted or passed an official act, resolution, motion, or similar action
  - a. Authorizing the filing of its application, including all understandings and assurances contained therein, and
  - b. Directing and authorizing the person identified as the Official Representative of the Applicant to act in connection with the application. Evidence of this action by its governing body must be included in this application
3. If the Applicant is a unit of local government, its chief executive officer or other officer of the Applicant approved by DCA:
  - a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA), and other provisions of Federal Law, as specified in 24 CFR Part 58 and 40 CFR Part 1500-1 508, which further purposes of NEPA insofar as the provisions of such Federal law apply to this Part.
  - b. Is authorized and consents on behalf of the Applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.
4. The Applicant will comply with all provisions of the HOME Investment Partnership Activity regulations found at 24 CFR Part 92, the state requirements for the implementation of the Community HOME Investment Partnership Activity (CHIP) as defined in the Activity Description, the Administrative Manual, the Homeowner Rehabilitation Manual, as may be amended at the discretion of the Georgia Department of Community Affairs.
5. The Applicant will comply with certain laws that may be applicable, though not specifically listed in the HOME Investment Partnership Activity Regulations, by virtue of being applicable under their own terms, such as the Hatch Act (U.S.C. Section 1501, et. seg) which limits the political activities of the employees funded through receipt of Federal assistance.
6. It will comply with Section 504 of the Rehabilitation Act of 1973 and the HUD Implementing regulations (24 CFR Part 8), Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Fair Housing Act (42 USC 3601-20), Executive Orders 11246 and 11063, and Section 3 of the Housing and Urban Development Act of 1968 and will administer and conduct its activity in conformance with them.
7. If the proposed application is funded, the activity will affirmatively further fair housing.
8. If a grant is awarded and the Applicant is a local government, the Applicant agrees to become a State Recipient for purposes of the activity and to assume all responsibilities at 24 CFR Part 92 (as now in effect and as may be amended from time to time) except those responsibilities which DCA determines will not be transferred to the State Recipient for reasons deemed practical, feasible, or legally sound.

- 9. If a grant is awarded and the Applicant is a nonprofit entity or a local public housing authority, the Applicant agrees to become a subrecipient for purposes of the activity and to assume all responsibilities at 24 CFR Part 92 (as now in effect and as may be amended from time to time) except those responsibilities which DCA determines will not be transferred to the subrecipient for reasons deemed practical, feasible, or legally sound.

**CERTIFICATION:**

The undersigned certifies on behalf of the Applicant that he/she has been authorized to sign this certification, the information presented in this application is correct, and that the Applicant will comply with the assurances listed above.

**Submitted on behalf of the Applicant by:**

By: \_\_\_\_\_  
(Signature of Chief Elected Official, Executive Director or Authorized Official)      Date

\_\_\_\_\_  
(Typed or Printed Name and Title of Chief Elected Official, Executive Director, or Authorized Official)

**Attest:**

By: \_\_\_\_\_  
(Signature of Clerk or Authorized Official)      Date

\_\_\_\_\_  
(Typed or Printed Name and Title of Clerk or Authorized Official)



## CHIP 2022 Grant Application Certified Assurances

Instructions: This Certified Assurances Form must be completed and signed by the Applicant's Certifying Representative. It must be included in the application submission.

### Assurances

The Applicant hereby certifies and assures that:

1. The Applicant possesses the legal authority to apply for the grant and execute the proposed activity.
2. The Applicant's governing body has duly adopted or passed an official act, resolution, motion, or similar action
  - a. Authorizing the filing of its application, including all understandings and assurances contained therein, and
  - b. Directing and authorizing the person identified as the Official Representative of the Applicant to act in connection with the application. Evidence of this action by its governing body must be included in this application
3. If the Applicant is a unit of local government, its chief executive officer or other officer of the Applicant approved by DCA:
  - a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA), and other provisions of Federal Law, as specified in 24 CFR Part 58 and 40 CFR Part 1500-1508, which further purposes of NEPA insofar as the provisions of such Federal law apply to this Part.
  - b. Is authorized and consents on behalf of the Applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.
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5. The Applicant will comply with certain laws that may be applicable, though not specifically listed in the HOME Investment Partnership Activity Regulations, by virtue of being applicable under their own terms, such as the Hatch Act (U.S.C. Section 1501, et. seg) which limits the political activities of the employees funded through receipt of Federal assistance.
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7. If the proposed application is funded, the activity will affirmatively further fair housing.
8. If a grant is awarded and the Applicant is a local government, the Applicant agrees to become a State Recipient for purposes of the activity and to assume all responsibilities at 24 CFR Part 92 (as now in effect and as may be amended from time to time) except those responsibilities which DCA determines will not be transferred to the State Recipient for reasons deemed practical, feasible, or legally sound.

- 9. If a grant is awarded and the Applicant is a nonprofit entity or a local public housing authority, the Applicant agrees to become a subrecipient for purposes of the activity and to assume all responsibilities at 24 CFR Part 92 (as now in effect and as may be amended from time to time) except those responsibilities which DCA determines will not be transferred to the subrecipient for reasons deemed practical, feasible, or legally sound.

CERTIFICATION:

The undersigned certifies on behalf of the Applicant that he/she has been authorized to sign this certification, the information presented in this application is correct, and that the Applicant will comply with the assurances listed above.

Submitted on behalf of the Applicant by:

By:

\_\_\_\_\_  
(Signature of Chief Elected Official, Executive Director or Authorized Official)      Date

\_\_\_\_\_  
(Typed or Printed Name and Title of Chief Elected Official, Executive Director, or Authorized Official)  
Attest:

By:

\_\_\_\_\_  
(Signature of Clerk or Authorized Official)      Date

\_\_\_\_\_  
(Typed or Printed Name and Title of Clerk or Authorized Official)

**DRUG AND ALCOHOL TESTING POLICY  
BALDWIN COUNTY TRANSIT  
Adopted as of December 7, 2021**

**PURPOSE**

- 1) The Baldwin County Transit provides public transit and paratransit services for the residents of Baldwin County, Georgia. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Baldwin County Transit declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the DrugFree Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Baldwin County Transit and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Baldwin County Transit will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

**A. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

## **B. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

*Canceled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*DOT, The Department, DOT Agency:* These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety

Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

*Initial Drug Test: (Screening Drug Test)* The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

*Invalid Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Prohibited drug:* Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine as specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

*Split Specimen Collection:* A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen:* A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

*Test Refusal:* The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.



- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a preemployment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

### **C. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

### **D. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject

to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Baldwin County Transit supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

## **E. PROHIBITED CONDUCT**

- 1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
  - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
    - i. The employee's alcohol concentration measures less than 0.02; or
    - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Baldwin County Transit, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Baldwin County Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

#### **F. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Baldwin County Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

#### **G. TESTING REQUIREMENTS**

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Baldwin County Transit authority, a nonDOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Baldwin County Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

## **H. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) or Liquid Chromatography/Mass Spectrometry (LC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS or LC/MS test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the

non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Baldwin County Transit. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Baldwin County Transit will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Baldwin County Transit will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.

## 8) Observed collections

- a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
  - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Baldwin County Transit that there was not an adequate medical explanation for the result;
  - ii. The MRO reports to Baldwin County Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
  - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
  - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
  - v. The temperature on the original specimen was out of range;
  - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
  - vii. All follow-up-tests; or
  - viii. All return-to-duty tests

## **I. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath



Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a nonevidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Baldwin County Transit affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

## **J. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
  - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
  - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
  - e. If a pre-employment test is canceled, Baldwin County Transit require the applicant to take and pass another pre-employment drug test.
  - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a preemployment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Baldwin County Transit* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Baldwin County Transit is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Baldwin County Transit proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **K. REASONABLE SUSPICION TESTING**

- 1) All Baldwin County Transit FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Baldwin County Transit authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) Baldwin County Transit shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Baldwin County Transit.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Baldwin County Transit shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the Baldwin County Transit **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

#### **L. POST-ACCIDENT TESTING**

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

- 2) NON-FATAL ACCIDENTS – A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
- a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain

assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Baldwin County Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Baldwin County Transit may use drug and alcohol postaccident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

### **M. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testingrates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely Baldwin County Transit authority.

- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Baldwin County Transit authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **N. RETURN-TO-DUTY TESTING**

Baldwin County Transit will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

#### **O. FOLLOW-UP TESTING**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

#### **P. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal is defined as any of the following circumstances:
  - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
  - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
  - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.



- g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
  - h. Fail to cooperate with any part of the testing process.
  - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
  - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
  - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
  - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
  - m. Fail to remain readily available following an accident.
  - n. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- 4) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Baldwin County Transit employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Baldwin County Transit and will be performed using non-DOT testing forms.

- c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return-to-work agreement will be conducted under company authority and will be performed using non-DOT testing forms.
  - d. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Baldwin County Transit.
  - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

#### **Q. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

#### **R. PROPER APPLICATION OF THE POLICY**

Baldwin County Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

#### **S. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the Baldwin County Transit Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need-to-know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Baldwin County Transit the employee.

10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken

11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the Baldwin County  
Transit on \_\_\_\_\_.

\_\_\_\_\_, Chairman  
Baldwin County Board of Commissioners

**Attachment A**

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Driver	Operates Vehicles	FTA/Baldwin County
Dispatcher	Controls Movement of Vehicles	FTA/Baldwin County

**Attachment B Contacts**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

**Baldwin County Transit Drug and Alcohol Program Manager**

Name: Victor Young

Title: Fire Chief, Baldwin County Fire Rescue

Address: 312 Allen Memorial Drive, Milledgeville, GA 31061

Telephone Number: (478) 455-4421

**Medical Review Officer**

Name: Dr. Brian Heinen

Title: 151 Leon Ave

Address: Eunie, LA 70535

Telephone Number: (888) 382-2281

**Substance Abuse Professional #1**

Name: Title:

Address:

Telephone Number:

**Substance Abuse Professional #2**

Name: Title:

Address:

Telephone Number:

**HHS Certified Laboratory Primary Specimen**

Name: Alere

Address: 1111 Newton Street, Gretna, LA 70100

Telephone Number: (800) 433-3823

**AMENDMENT #1 TO EMERGENCY MEDICAL SERVICES AGREEMENT**

**BALDWIN COUNTY, GEORGIA  
and  
GRADY MEMORIAL HOSPITAL CORPORATION  
d/b/a SOUTH GEORGIA EMERGENCY MEDICAL SERVICE**

This Amendment #1, effective as of January 5, 2022, formally amends the terms of the Emergency Medical Services Agreement (“Agreement”) previously executed by and between Baldwin County, Georgia (“County”) and Grady Memorial Hospital Corporation d/b/a South Georgia Emergency Medical Service (“Contractor”), dated November 5, 2019. All other terms and conditions of the original Agreement not amended herein remain unchanged.

By signature below, the Parties agree to modify the Agreement as follows:

**Section III, Vehicles, Equipment, Supplies and Premises**

(c) Premises

1. County will be responsible for housing and facilities associated with the provisions of ambulance service in County. The contribution for electricity, water, sewer and common area maintenance shall be \$705 monthly. All other utilities are to be contracted separately by Contractor. Payment shall be submitted monthly to Baldwin County. Any payments 30 days past due at end of each month shall be deducted from the following month’s payment due from the county to Grady EMS. Contribution for electricity, water, sewer and common area will be evaluated annually.
2. Contractor will conduct operations from the following location(s) to provide services to County pursuant to this Agreement:  
  
953 Barrows Ferry Road  
Milledgeville, GA 31061
3. Contractor will have the right to inspect the locations provided by County. After the initial inspection, if Contractor determines, in its sole discretion, that the locations provided by County are suitable for use in providing the services under this agreement, County agrees to provide alternate locations for contractor to conduct operations.

**Section IV, Compensation**

(a) Annual Fee

As compensation for the ambulance and emergency medical services provided for herein, County will pay to Contractor an annual fee of \$195,000 each year for the term of this agreement. Said amount will be paid in equal monthly payments of \$16,250 monthly, which

shall be due on the 1st day of each month beginning on January 1, 2022. Grady EMS will pay Baldwin County \$10,000 towards building renovations. County to invoice separately.

Item 8.

**(b) Annual Review**

County shall review the compensation with Contractor based on current and prorated call volume no later than July 15 of the current year in order to determine proposed changes in the Annual Fee for budgeting purposes.

**Baldwin County**

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**Grady Memorial Hospital Corporation d/b/a South Georgia Emergency Medical Service**

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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



**RESOLUTION**

**Supporting Reform to Georgia’s Annexation Dispute Resolution Law**

**WHEREAS**, annexation of unincorporated areas by municipalities may be appropriate to provide public services not otherwise available from the county, but may be abused when its primary objectives are to expand a city’s tax base or circumvent a county’s land use plan or zoning ordinance;

**WHEREAS**, the pressure from growth and development is expected to increase in the future and annexation for land use changes may adversely impact neighboring residents, disrupt a county’s land use plan, cause significant service delivery challenges, and/or strain existing county infrastructure;

**WHEREAS**, city governments are neither elected by nor accountable to unincorporated residents and may not duly consider their concerns in making land use decisions impacting them;

**WHEREAS**, in 2007 the Georgia General Assembly established an annexation dispute resolution procedure to try to help balance these interests while respecting everyone’s property rights;

**WHEREAS**, this dispute resolution procedure has not been changed since its enactment and is long overdue for revisions to further avoid the negative impact on Georgia citizens;

**WHEREAS**, in 2021, the Georgia House of Representatives adopted House Resolution 222, establishing a Study Committee on Annexation to review the dispute resolution procedure; and

**WHEREAS**, the House Study Committee held hearings around the state, solicited recommendations from impacted annexation stakeholders, and has issued its final report and recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the Baldwin County Board of Commissioners that this body urges the Georgia General Assembly to follow the recommendations of the 2021 House Study Committee on Annexation and adopt meaningful reforms to Georgia’s annexation dispute resolution law during the 2022 legislative session. These changes should:

- revise the procedures of the annexation dispute resolution process;
- empower the Department of Community Affairs to administer this process more effectively; and
- better balance the oftentimes conflicting interests among counties, cities, incorporated and unincorporated citizens, and developers seeking different land uses through annexation. As only State law can help reach this balance, State law must be changed to respect all parties and persons impacted by Georgia’s continued population growth.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered to each member of the Georgia House of Representatives and Senate representing Baldwin County and made available to ACCG, the public and press.

**ADOPTED, THIS \_\_\_\_\_ DAY OF DECEMBER, 2021**

**BALDWIN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Henry R. Craig, Chairman**

\_\_\_\_\_  
**Cynthia K. Cunningham, County Clerk**

A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED BY/FOR THE RENDERED FOR BALDWIN COUNTY FIRE RESCUE.

WHEREAS, the emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the Board of the Baldwin County Fire Rescue desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE RENDERED FOR BALDWIN COUNTY FIRE RESCUE:**

SECTION 1: The Baldwin County Fire Rescue shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The fire department's Board may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 4: It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in open meetings of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Resolutions of the Board.

SECTION 5: This resolution shall take effect at the date of adoption.

SECTION 6: The Mitigation Rates lists in Exhibit A will increase by 2.6 annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.

THE ABOVE WAS PASSED

Signature:

\_\_\_\_\_

Name (printed):\_\_\_\_\_

Title:\_\_\_\_\_

Date:

\_\_\_\_\_

**EXHIBIT A**  
**MITIGATION RATES**  
**BASED ON PER HOUR**

The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an

average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

## MOTOR VEHICLE INCIDENTS

### Level 1 - \$516.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

### Level 2 - \$588.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

### Level 3 - CAR FIRE - \$718.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

## ADD-ON SERVICES:

### Extrication - \$1,550.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

### Creating a Landing Zone - \$474.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used. HAZMAT

**Level 1 - \$832.00**

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

**Level 2 - \$2,971.00**

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

**Level 3 - \$7,012.00**

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center,, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - each additional hour @ \$336.00 per HAZMAT team.

**FIRE INVESTIGATION**

Fire Investigation Team - \$327.00 per hour.

Includes:

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.

**FIRES**

Assignment - \$475.00 per hour, per engine | \$594.00 per hour, per truck

Includes:

- Scene Safety
- Investigation

- Fire / Hazard Control

This will be the most common "billing level". This occurs almost every time the fire department responds to an incident.

2020 01

OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

## ILLEGAL FIRES

Assignment - \$475.00 per hour, per engine / \$594.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response,

## WATER INCIDENTS

### Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Billed at \$475 plus \$59 per hour, per rescue person.

### Level 2

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if

the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$950 plus \$59 per hour, per rescue person.

### Level 3

Advanced Response: Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,350 plus \$59 per hour per rescue person, plus \$119 per hour per HAZMAT team member.

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### Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (IJCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

### BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$475 for the first response vehicle plus \$59 per rescue person. Additional rates of \$475 per hour per response vehicle and \$59 per hour per rescue person.

### CHIEF RESPONSE

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at \$297 per hour.

### MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

Rev.

**ADDITIONAL TIME ON-SCENE (for all levels of service)**

Engine billed at \$475 per hour.

Truck billed at \$594 per hour.

Miscellaneous equipment billed at \$357.

**MITIGATION RATE NOTES**

The mitigation rates above are average "billing levels" for one hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

2020.01



BALDWIN COUNTY, GEORGIA  
FISCAL YEAR 2022  
BUDGET RESOLUTION

Item 11.

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR 2022 (JANUARY-DECEMBER) FOR EACH FUND OF BALDWIN COUNTY, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEMS OF ANTICIPATED FUNDING SOURCES, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES FROM EXCEEDING ACTUAL FUNDING SOURCES.

WHEREAS, a Proposed Budget for each of the various Funds of the County has been presented to the Board of Commissioners; and,

WHEREAS, appropriate advertised public hearings have been held on the FY 2022 Proposed Budget, as required by Federal, State and Local Laws and Regulations; and

WHEREAS, the Board of Commissioners has reviewed the Proposed Budget and has made certain amendments to Funding Sources and Appropriations; and

WHEREAS, the Budget for each Fund includes Appropriations for Fiscal Year 2022, incorporates certain levies, assessments, fees and charges to finance these expenditures and lists the Anticipated Funding sources; and

WHEREAS, each of the Funds has a balanced budget, such that Anticipated Funding sources equal Proposed Expenditures; and

NOW, THEREFORE, BE IT RESOLVED that the within and attached Budget Summary and Supplemental Fee Schedule is hereby approved as the Budget for the 2022 Fiscal Year.

BE IT FURTHER RESOLVED that in accordance with O.C.G.A 33-8-8, the proceeds from the tax on insurance premiums estimated to be \$2,000,000 for FY2022, shall be used for the provision of fire protection services to the residents of the unincorporated Baldwin County.

BE IT FURTHER RESOLVED that the Budget shall be adjusted so as to adapt to changing governmental needs during the fiscal year as follows, such amendments shall be recognized as approved changes to this resolution in accordance with O.C.G.A. 36-81-3 (d) (1):

Any increase in Appropriations in any Fund for a Department, whether through a change in Anticipated Revenues in any Fund or through a transfer of Appropriations among Departments, shall require the approval of the Board of Commissioners with the following exceptions: in the case of insurance reimbursements for vehicle collisions and other equipment losses, the Finance Director and the County Manager are granted authority to allocate funds to the appropriate Department from insurance proceeds and/or from the Risk Management Fund for the replacement or repair of damaged equipment; in the case of donations for specified purposes, the Finance Director and the County Manager are granted authority to allocate funds to the appropriate Department and from contingency for leave payments that are unanticipated; in the case of end-of-fiscal year adjustments, the Finance Director and the County Manager are granted authority to transfer available appropriations among Departments and to make other adjustments as necessary to ensure that overall expenditures are in agreement with appropriations, as required by the Department of Audits. Reallocation of Appropriations in any Fund among the various accounts within a Department shall require only the approval of the Finance Director and the County Manager.

BE IT FURTHER RESOLVED that in accordance with GASB 54, it will be the County's policy to maintain an adequate General Fund unassigned fund balance to provide liquidity in the event of an economic downturn or natural disaster and the financial standard to maintain for the unassigned fund balance will be 10% of budgeted expenditures.

BE IT FURTHER RESOLVED that temporary tax anticipation notes shall be authorized as needed for general operating expenditures incurred during fiscal year 2022. Such notes shall not exceed \$6,500,000 and shall have a maturity date of December 31st of the calendar year in which the notes are executed. Interest rate proposals shall be requested from full-service financial institutions, including all those located within Baldwin County. This amount is within the legal debt level of Baldwin County for temporary loans, which is 75% (\$12.75 million) of the total amount of taxes collected in the previous year (\$17 million).

\_\_\_\_\_  
Henry R. Craig, Chairman

Attest:

\_\_\_\_\_  
Cynthia K. Cunningham, County Clerk

**Baldwin County Board of Commissioners**

Baldwin

## Board of Commissioners

FY22

## Approved Budget GENERAL FUND

Revenues:

Taxes		
Intergovernmental Revenue	\$1,822,000	\$19,380,000
Charges for Services		\$2,079,000
Fines and Forfeitures		\$659,000
Investment Income		\$0
Miscellaneous Revenues		\$95,000
Total Revenues - General Fund		\$24,035,000

Expenditures:General Government

1110	1410	1420	1510	1535	1545	1550	
	Board of Commissioners						\$323,000
	Voter Registration						289,000
	Elections						261,000
	Financial Management						1,154,000
	GIS/IT						307,500
	Tax Commissioner						934,500
	Board of Assessors						796,500
	1565 General Government Buildings and Plant						759,000
							<b>5,009,500</b>
1599	Other General Administration						185,000

Judicial/Courts

2151	Superior Court	318,000
2181	Clerk of Superior Court	617,500

2210 District Attorney	634,000
2350 State Court Judge	95,500
2360 Solicitor-General	556,000
2410 Magistrate Court	290,000
2451 Probate Court	427,000
2610 Juvenile Court	236,000
2810 Public Defender	200,000

FY22 General Fund

	FY22 Approved Budget <b>3,374,000</b>
<u>Public Safety</u>	
3310 Law Enforcement Administration	4,893,000
3326 Jail Operations	3,817,500
3630 EMS Operations	195,000
3710 Coroner / Medical Examiner	73,000
3910 Animal Control	275,500
3920 Emergency Management	107,000
	<b>9,361,000</b>
<u>Public Works</u>	
4210 Highways and Streets	2,746,000
4910 Maintenance and Shop	70,500
	<b>2,816,500</b>
<u>Health and Welfare</u>	
5110 Health	
5440 Intergovernmental Welfare	105,000
5450 Vendor Welfare Payments (Burial Services)	3,000
5520 Senior Citizens Center	38,000
5540 Transportation Services	75,000
	246,000
<u>Culture &amp; Recreation</u>	
6110 Culture/Recreation Administration	829,000
6135 Golf Course Operations	648,500
6510 Library Administration	343,000
	<b>1,820,500</b>

Development

7131 Agricultural Resources - County Extension	129,500
7140 Forest Resources	12,000
7520 Economic Development	268,000
7563	
Airport	254,000
	663,500

Other Uses

FY22 General Fund

	FY22
	Approved
	Budget
9120 Other Finances Uses	474,000
_9910 Contingency	270,000
	744,000
Total Appropriations - General Fund	\$24,035,000

Baldwin County Board of Commissioners

FY22 Special Revenue Funds

Approved  
Budget

UNINCORPORATED SPECIAL SERVICE DISTRICT

Revenues:

Taxes	2,343,000
Licenses and Permits	226,000
Charges for Services	623,000
Miscellaneous Revenue	16,000
Other Financing Sources	0
<b>Total Revenues - Unincorporated SSD</b>	<b>3,208,000</b>

Expenditures:

	<u>Public Safety</u>	
3510 Fire Department Administration		1,897,600
3571 Fire Stations-CSH		626,300
	<u>Development</u>	
7220 Planning & Development		336,600
	<u>Other Uses</u>	
9910 Contingency		347,500
<b>Total Expenditures - Unincorporated SSD</b>		<b>3,208,000</b>

SOLID WASTE REVENUE DISTRICT

Revenues:

Refuse Collections	\$2,300,000
<b>Total Revenues - Solid Waste Rav Dist</b>	<b>\$2,300,000</b>

Expenditures:

	<u>Public Works</u>	
4510 Waste Disposal Services		\$2,300,000
<b>Total Expenditures - Solid Waste Rav Dist</b>		<b>\$2,300,000</b>

E-911 Fund

Revenues:

Charges for Services	\$776,000
Transfer In - GF	\$324,000
<b>Total Revenues</b>	<b>\$1,100,000</b>

Expenditures:

	<u>Public Safety</u>	
3810 E911 Operations		\$1,100,000
<b>Total Expenditures</b>		<b>\$1,100,000</b>

Law Library Fund

Revenues:

Fines and forfeitures	\$15,000
<b>Total Revenues</b>	<b>\$15,000</b>

Expenditures:

	<u>General Government</u>	
1599 Other General Administration		\$15,000

Total Expenditures

FY22  
\$15,000

Item 11.



**Baldwin County Board of Commissioners**

**FY22 Special Revenue Funds**

**Approved Budget**

**Jail Inmate Fund**

Revenues:

Miscellaneous	\$280,000
Total Revenues	\$280,000

Expenditures:

Public Safety

3326 Jail Operations	\$280,000
Total Expenditures	\$280,000

**Drug Task Force**

Revenues:

Intergovernmental Matching Funds	\$70,000
Fines and forfeitures	\$115,000
Investment earnings	\$500
Miscellaneous	\$1,000
Transfer In - GF	\$150,000
Total Revenues	\$336,500

Expenditures:

Public Safety

3351 Drug Task Force	\$336,500
Total Expenditures	\$336,500

**Drug Seizure Fund**

Revenues:

Fines and forfeitures	\$5,000
Miscellaneous	\$2,000

Total Revenues		\$7,000
<u>Expenditures:</u>		
	<u>Public Safety</u>	
3310 Law Enforcement Administration		\$7,000
Total Expenditures		\$7,000
<b>Drug Education Fund</b>		
<u>Revenues:</u>		
Miscellaneous		\$10,000
Total Revenues		\$10,000
<u>Expenditures:</u>		
	<u>Public Safety</u>	
3310 Law Enforcement Administration		\$10,000
Total Expenditures		\$10,000
<b>Drug Treatment Education Fund</b>		
<u>Revenues:</u>		
Fines and forfeitures		\$59,000
Total Revenues		\$59,000

FY22 Special Revenue Funds

		Approved Budget
<u>Expenditures:</u>		
	<u>Judicial/Courts</u>	
2120 Ocmulgee Drug Treatment Courts		\$59,000
Total Expenditures		\$59,000
<b>Power Point Training Facility Fund</b>		
<u>Revenues:</u>		
Miscellaneous		\$3,100

Total Revenues \$3,100

Expenditures:

Public Safety

3310 Law Enforcement Administration \$3,100

Total Expenditures \$3,100

Hospital Special Service District

Revenues:

Hospital Fee \$500,000

Total Revenues \$500,000

Expenditures:

Health and Welfare

5170 Indigent Medical Care \$500,000

Total Expenditures \$500,000

Hotel Motel Tax Fund

Revenues:

Taxes \$48,000

Total Revenues \$48,000

Expenditures:

Economic Development and Resources

7530 Economic Development and Tourism \$48,000

Total Expenditures \$48,000

**Baldwin County Board of Commissioners**

FY22 Water/Sewer Fund

FY22  
Approve  
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Budget

WATER/SEWER ADMINISTRATION

Revenues:

Charges for Services \$5,365,000

Total Revenues -Water/Sewer Fund \$5,365,000

Expenditures:

Public Works

4410 Water/Sewer Administration \$5,365,000

Total Expenditures -Water/Sewer Fund \$5,365,000

Baldwin County Board Commissioners  
Fee Schedule  
of

Item 11.

Baldwin County Building Department	
General Administrative	
Residential Plan Review	\$50
Commercial Plan Review	\$150
New Development Fee	\$35
Building Permit Fees	
TOTAL VALUATION	FEE
\$1 TO \$1,000	\$50
\$1001 to \$5,000	\$50 for the first \$1,000; plus \$3 for each additional \$1,000 Or fraction thereof, including \$5,000
\$5,001 to \$40,000	\$89 for the first \$5,000; plus \$8 for each additional \$1,000 or fraction thereof, including \$40,000
\$40,001 to \$100,000	\$36 for the first ,000; plus \$6 for each additional \$1,000 or fraction thereof, includinE \$100,000

Baldwin County Animal Services	
Fee Description	FEE
Owner Surrender	\$20.00
Impound -1st offense	\$25.00
Impound - 2nd offense	\$50.00
Impound - 3rd offense	\$100.00
Quarantine	\$50.00

Baldwin County Ordinances, Section 22-34(b)	
Application Fee	\$25
Occupation Tax	
Number of Employees	FEE
1—3	\$100.00
	\$200.00
	\$350.00
20—29	\$500.00
30—39	\$800.00
40—49	\$1,000.00
50 or more	\$1,500.00

Baldwin County Ordinances, Section 6-32 (c)	
Alcohol License	
License Class,Type	FEE
Class A, retail liquor package store;	\$3,000.00
Class B, retail package beer and/or wine;	\$300.00
Class C, retail beer and/or wine by the drink;	\$1,500.00
Class D, retail liquor by the drink;	\$2,000.00
Class E, wholesale liquor;	\$4,000.00
Class F, wholesale beer and/or wine;	\$500.00
Class G, licensed alcoholic beverage caterer;	\$150.00
Class H, license for manufacture of beer.	\$1,000.00
Class I, license for manufacture of wine.	\$1,000.00
Class J, license for manufacture of alcoholic beverages and liquors.	\$4,000.00
Special event on-site Alcohol Consumption	\$100/day
*State License required from Dept of Revenue	

Baldwin County Board Commissioners

Fee Schedule

Item 11.

\$100,001 to \$500,000	\$729 for the first \$100,000; plus \$4 for each additional \$1,000 or fraction thereof, including \$500,000
\$500,001 to	\$2,333 for the first \$500,000; plus \$2 for each additional \$1,000 or fraction thereof, including
and over	\$3,331 for the first plus \$1 for each additional \$1,000 or fraction thereof
Electrical, Mechanical, Plumbing Permit Fees	
TOTAL VALUATION	FEE
\$1 TO \$1,500	\$50
Over \$1,500	\$50 for the first \$1,500; plus \$2 for each additional \$ 1,000 or fraction thereof
Additional Fees - Permits	
	FEE
Permits Minor Buffer Fee	\$25
Reinspection Fee Land Disturbance	\$25 per reinspection needed \$40 per acre
Mobile Home Moving Permit Permit	SSO
Driveway	SEO

Baldwin County IT/GIS		
Parcel Layer		
Parcel Data (Unique Identifiers only)		\$200.00
Parcel Data (additional data)		\$500.00
Specific Parcel Extract		\$5.00/parcel
General Layers		
Address Layer		\$500.00
Road Centerline		\$50.00
County Boundary		\$25.00
Voter Districts		\$25.00
Countour Lines (2ft)		\$10.00/acre
Printed Maps		
8.5 x 11 (color)		\$5.00
8.5 x 11 (vector)		FREE
11 x 17 (color)		\$8.00
11 x 17 (vector)		FREE
13 x 19 (color)		\$10.00
13 x 19 (vector)		FREE
24 x 36 (color)		\$20.00
24 x 36 (B/W)		\$15.00
36 x 48 (color)		\$50.00

Fee Schedule

Item 11.

36 x 48 (B/W)		\$35.00
Cartographic Analysis (1 hr min)		\$115/hr

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Baldwin County Recreation	
Facilities/Fee Type	FEE
Banquet Room with Kitchen	
Price Per Hour (Minimum 4 hrs)	\$100 Per hour
Price Contract 6 Meetings	\$25 per hour
Security or Application Fee	\$20 per hour for non-peak events; \$30 per hour for Fri & Sat nights
Classrooms	
Price Per Hour (Minimum 4 hrs)	\$25 per hour
Price Contract 6 Meetings	\$20 per hour
Security or Application Fee	\$20 per hour
Gymnasium (Athletic Events Only)	\$500 per court per day
Security or Application Fee	\$20 per hour for non-peak events; \$30 per hour for Fri & Sat nights
Collins P Lee Center	\$25 per hour
Security or Application Fee	\$20 per hour for non-peak events; \$30 per hour for Fri & Sat nights
Fields	\$150 per field per day for multi-day events; \$170 per field per day for single day events
Security or Application Fee	\$20 per hour
Little Fishing Creek Golf Course	
Green Fees	All Day Twilight
Weekdays	\$12.50 \$10.50
Weekends	\$15.55 \$13.50
Holidays	\$15.50 \$13.50
Cart Fees	9 holes 18 holes
	\$8.00 \$12.00
Trail Fee	\$7.50 \$7.50
Annual Green Fees	
High School & under	\$150.00 Summer
	\$150.00 Schoolyear
Junior Member (< 20 yrs)	\$400.00
Single Member	\$500.00
Family Membership	
1st member	\$500.00
Each additional member	\$225.00
Senior Member (> 50 yrs)	\$400.00

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Baldwin County Water/Sewer	
Water/Sewer Rates	
Residential Water Base Charge	\$16.00
Industrial Water Base Charge	\$36.20

Baldwin County Sanitation	
Collection and disposal	FEE PER MONTH
1st cart	\$18.00
Addition Cart (each)	\$10.00



Baldwin County Board Commissioners  
Fee Schedule

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Residential Sewer Base Charge		\$19.00
Industrial Sewer Base Charge		\$36.20
1-5,000 gallons	rate per gallon	0.0045
5,001 - 10,000	rate per gallon	0.00505
10,001 - 20,000	rate per gallon	0.0056
20,001 - 50,000	rate per gallon	0.00615
over 50,000	rate per gallon	0.0067
Water Service Connections		
3/4 " Meter		\$900.00
1 " Meter		\$1,800.00
2 " Meter		\$3,000.00
3 " Meter and Larger		TBD after application
Sewer connections		TBD after application
Residential Service Deposit		\$70.00
Non-refundable application fee		\$5.00
Account transfer fee		\$30.00
Returned Check Fee		\$35.00
Late Fee (after due date)		\$3.00
Non-payment fee		\$50.00
Service call		\$15.00
<b>Baldwin County Fire and Rescue</b>		
Building Plan Review	sq. ft.	\$150.00
Building Plan Review	sq. ft.	\$0.015 per sq. ft.
Sprinkler Plan Review		\$100.00 + .50 per head
Fire Alarm Plan Review		\$100.00 + .50 per device
Commercial Hood System Plan Review		\$100.00
Hood System Plan Review		\$100.00
Hazmat Plan Review		\$150.00
Explosives Plan Review (more than 500 pounds)		\$100.00
Explosives License (purchase, store, sale, use, transport)		
500 pounds or less		\$75.00
More than 500 pounds		\$150.00
Manufacture of Explosives		\$150.00
Fireworks Manufacture, Storage or Transport		\$1,500.00
Liquid Petroleum Gas		
2000 gallons or less		\$150.00
More than 2000 gallons		\$600.00
Self Service Station Permit		\$150.00
Compressed Natural Gas		\$150.00
Anhydrous Ammonia Permit		\$150.00
Certificate of Occupancy		\$100.00
Temporary Certificate of Occupancy		\$50.00
Personal Care Home Permit:		
Small		\$100.00 \$200.00
Inspections:		
Yearly Inspection, New Business License Inspection or		
Final Construction Inspection		No Charge
1 Follow-up Inspection		No Charge
2 <sup>nd</sup> Follow-up Inspection		\$50.00

Baldwin County Board Commissioners  
Fee Schedule

3 <sup>rd</sup> and subsequent Inspections	\$100.00
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*Item 11.*