

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION AGENDA - THURSDAY, MAY 21, 2015
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
6:00 PM**

A. ROLL CALL

B. OPENING PRESENTATION

Nancy Stites - Dawson County Family Connection

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. ANNOUNCEMENTS

F. APPROVAL OF MINUTES

[Minutes](#) of the Voting Session held on May 7, 2015

G. APPROVAL OF AGENDA

H. PUBLIC COMMENT (3 minute limit/person 15 minutes maximum)

I. ALCOHOL LICENSE

J. ZONING

K. PUBLIC HEARING

- [1.](#) Soil Erosion and Sedimentation Control Ordinance (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)
- [2.](#) Stormwater Management Ordinance (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)
- [3.](#) Ordinance to amend the compensation of the Chairman and Commissioners (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- [1.](#) Approval of the 2015/2016 Health Insurance Renewal Plan
- [2.](#) Approval of County Extension Personnel Contract/Memorandum of Understanding
- [3.](#) Approval of Bid #251-15 IFB Course Aggregates (Gravel) for FY2016
- [4.](#) Approval of Disaster Declaration Documentation
- [5.](#) Approval to move forward with public hearings regarding the Social Hosting Ordinance on June 4, 2015 and June 18, 2015
- [7.](#) Approval of Tax Levy Resolution

N. ADJOURNMENT

O. PUBLIC COMMENT

Backup material for agenda item:

Minutes of the Voting Session held on May 7, 2015

DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – MAY 7, 2015
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE
6:00PM

ROLL CALL: Those present were Chairman Berg; Commissioner Fausett, District 1; Commissioner Swafford, District 2; Commissioner Hamby, District 3; Commissioner Nix, District 4; County Manager Campbell; County Attorney Homans; County Clerk Yarbrough and interested citizens of Dawson County.

OPENING PRESENTATION:

None

INVOCATION: Chairman Berg

PLEDGE OF ALLEGIANCE: Chairman Berg

ANNOUNCEMENTS:

Chairman Berg announced Commissioner Hamby's upcoming birthday on Sunday, May 10th.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes from the Voting Session held on April 14, 2015. Nix/Fausett

APPROVAL OF THE AGENDA:

Motion passed unanimously to approve the agenda as written. Swafford/Hamby

PUBLIC COMMENT:

None

ALCOHOL LICENSE HEARING:

None

ZONING:

None

PUBLIC HEARING:

Ordinance to amend the rules and regulations applicable to employees of the Dawson County Board of Commissioners known as the Dawson County Board of Commissioners Employee Handbook (2nd of 2 hearings. First hearing was held on April 14, 2015)

Chairman Berg asked if there was anyone present who wished to be heard on the matter of the Ordinance to amend the rules and regulations applicable to employees of the Dawson County Board of Commissioners known as the Dawson County Board of Commissioners Employee Handbook, and hearing none, closed the hearing.

Chairman Berg asked the Board if they wanted to address each suggested item of change as a whole or individually.

Commissioner Hamby motioned to approve the Employee Handbook as it was originally submitted.

Motion died for lack of a second.

- Smoking cessation by employees while on government property- No motion made
- Texting and cell phone usage while operating a county vehicle- No motion made
- Additional compensation for employees having to work during inclement weather

Commissioner Swafford motioned to allow additional compensation for employees who have to work during inclement weather.

Motion died for lack of a second.

Motion passed 3-1 to approve the Employee Handbook as originally submitted. Hamby/Nix-Commissioner Swafford voted against the motion.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Approval of the Revision of Application for Parade and Assembly – 4-H Rabies Clinic (Date Change)

Motion passed unanimously to approve the Revision of Application for Parade and Assembly – 4-H Rabies Clinic. Swafford/Nix

Approval of Applications for Parade and Assembly – Cinco-De-Run-O, GA Super Sprint Triathlon, Bootlegger Marathon & Bootlegger Triathlon

Motion passed unanimously to approve Applications for Parade and Assembly – Cinco-De-Run-O, GA Super Sprint Triathlon, Bootlegger Marathon & Bootlegger Triathlon. Nix/Hamby

Approval of the 2015 Bullet Proof Vest (BVP) Grant

Motion passed unanimously to approve the 2015 Bullet Proof Vest (BVP) Grant. Swafford/Hamby

Approval of Bid #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office

Motion passed unanimously to award Bid #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office to the most responsible, responsive bidder Inmate Calling Solutions (ICS) out of San Antonio, Texas and to approve the contract with Option A as submitted beginning May 8, 2015. Swafford/Nix

Approval to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Dawson County Soil Erosion and Sedimentation Control Ordinance Update

Motion passed unanimously to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Dawson County Soil Erosion and Sedimentation Control Ordinance Update. Swafford/Nix

Approval to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Dawson County Stormwater Management Ordinance

Motion passed unanimously to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Dawson County Stormwater Management Ordinance. Nix/Fausett

Approval of the Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC)

Motion passed unanimously to approve the Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC). Swafford/Nix

Approval of Trauma Course Funding for Emergency Services Personnel

Motion passed unanimously to approve the Trauma Course Funding for Emergency Services Personnel. Swafford/Hamby

Approval to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Ordinance to Amend the Compensation of the Chairman and Commissioners

Motion passed unanimously to approve to move forward with public hearings on May 21, 2015 and June 4, 2015 for the Ordinance to Amend the Compensation of the Chairman and Commissioners. Nix/Swafford

ADJOURNMENT:

PUBLIC COMMENT:

None

APPROVE:

Mike Berg, Chairman

ATTEST:

Danielle Yarbrough, County Clerk

Backup material for agenda item:

1. Soil Erosion and Sedimentation Control Ordinance (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)

**AN ORDINANCE OF
DAWSON COUNTY BOARD OF COMMISSIONERS**

**TO ENACT, AMEND, AND UPDATE THE SOIL EROSION AND
SEDIMENTATION CONTROL ORDINANCE; TO REPEAL CONFLICTING
ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.**

It is hereby ordained by the Board of Commissioners of Dawson County, Georgia as follows:

Section 1. Title

This ordinance shall be known as the “Dawson County Soil Erosion and Sedimentation Control Ordinance.”

Section 2. Definitions

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Dawson County Planning and Development Department: The Department within Dawson County Government responsible for the implementation and enforcement of this ordinance.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Upper Chattahoochee Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8. For the purposes of this ordinance the Local Issuing Authority is the Dawson County Planning and Development Department.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions,

such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Upper Chattahoochee Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 3. Exemptions

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968";
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.
- (4) The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, “definitions”, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land -disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, “State Waters” excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year- round; provided, however, that any person responsible for a project which involves less than one acre, which involves land disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be

submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (11) Any public water system reservoir.

Section 4. Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices

A. General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. Minimum Requirements/BMP'S

- (1) Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection(b).
- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a Local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or by the Division or any general permit for construction activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
- (4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- (5) The LIA may set more stringent buffer requirements than stated in C.15 and 16., in light of O.C.G.A. § 12-7-6 (c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices,

including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case that such crossings are kept to a minimum;

- (14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B.2. of this ordinance;
- (15) Except as provided in paragraph (20) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
- A. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - B. The buffer shall not apply to the following land-disturbing activities, provided they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream Crossings for water lines; or (ii) Stream crossings for sewer lines; and
- (16) There is established a 50 foot buffer as measured horizontally from the point where

vegetation has been wrested by normal stream flow or wave action along the banks of any state waters classified as “trout streams” pursuant to Article 2 of Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner’s property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- A. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- B. The buffer shall not apply to the following land-disturbing activities, provided they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream Crossings for water lines; or (ii) Stream crossings for sewer lines.

(17) Construction site operators shall control waste at the construction site, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.

- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.

- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Section 5. Application/Permit Process

A. General

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the property owner is the only party who may obtain a permit.

B. Application Requirements

- (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Dawson County without first obtaining a permit from the Dawson County Planning and Development Department to perform such activity.
- (2) The application for a permit shall be submitted to the Dawson County Planning and Development Department and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section IV B. & C. of this ordinance. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
- (3) Fees shall be charged in accordance with the Dawson County Planning and Development Department Fee Schedule.
- (4) In addition to the local (those assessed by the Dawson County Planning and Development Department) permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is

certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

- (5) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15. & 16. and bonding, if required as per Section V B.7.(b), have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
- (6) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
- (7) The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. Plan Requirements

- (1) Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for*

Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

- (2) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (3) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

D. Permits

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- (2) No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section V B. 7 (b) are met and all ordinances and rules and regulations in affect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the Local Issuing Authority.

- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (5) The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).
- (7) No permit shall be issued unless the applicant provides a statement by the Tax Commissioner's Office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

Section 6. Inspection and Enforcement

- A. The Dawson County Planning and Development Department or designee will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be in violation of this ordinance.
- B. The Dawson County Planning and Development Department or designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-

disturbing activities.

- C. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- D. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Section 7. Penalties and Incentives

- A. Failure to Obtain a Permit for Land Disturbing Activity

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. Stop Work Orders

- (1) For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provide, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
- (2) For a third and each subsequent violation, the Director or Local Issuing Authority shall issue an immediate stop-work order; and;
- (3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond Forfeiture

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to the other penalties, shall be deemed

to have forfeited his performance bond, if required to post one under the provisions of Section V B. 7. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties

(1) Any person who violates any provisions of this ordinance, the rules and regulations adopted pursuant hereto, **or any** permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 8. Education and Certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 9. Administrative Appeal Judicial Review

A. Administrative Remedies

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Dawson County Board of Commissioners within 30 days after receipt by the Local Issuing Authority of written notice of appeal.

B. Judicial Review

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Dawson County.

Section 10. Effective, Validity and Liability

A. Effective

This ordinance shall become effective on the ___ day of _____, 20__.

B. Validity

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. Liability

- (1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

- (3) No provision of this ordinance shall permit any persons to violate Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

DAWSON COUNTY

ATTEST

By: _____
Mike Berg, Chairman
Board of Commissioners

By: _____
Danielle Yarborough,
County Clerk

VOTE: Yes _____

 No _____

Dates of Public Hearings:

Dates of Advertising:

Backup material for agenda item:

2. Stormwater Management Ordinance (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)

STORMWATER MANAGEMENT ORDINANCE

Introduction

It is hereby determined that:

Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;

Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;

The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas.

Localities in the State of Georgia are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;

Therefore, Dawson County has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

Section 1. General Provisions

1.1. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and

redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable.
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

1.2. Applicability

- (1) This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 2 below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more;

- b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
 - c. Any new development or redevelopment, regardless of size, that is defined by the Dawson County Stormwater Manager to be a hotspot land use; or,
 - d. Land development activities that are smaller than the minimum applicability criteria set forth in items A and B above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (2) The following activities are exempt from this ordinance:
- a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - b. Additions or modifications to existing single-family or duplex residential structures;
 - c. Agricultural or silvicultural land management activities within areas zoned for these activities; and,
 - d. Repairs to any stormwater management facility or practice deemed necessary by the Dawson County Stormwater Manager.

1.3. Designation of Ordinance Administrator

The Dawson County Stormwater Manager is hereby appointed to administer and implement the provisions of this ordinance.

1.4. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1.5. Stormwater Design Manual

Dawson County will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda, for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically,

based on improvements in science, engineering, monitoring and local maintenance experience.

Section 2. Definitions

Applicant: a person submitting a post-development stormwater management application and plan for approval.

Channel: a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conservation Easement: an agreement between a land owner and Dawson County or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Detention: the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer: a person who undertakes land development activities.

Development: a land development or land development project.

Drainage Easement: an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and Sedimentation Control Plan: a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended Detention: the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme Flood Protection: measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding: a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Greenspace or Open Space: permanently protected areas of the site that are preserved in a natural state.

Hotspot: an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG): a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious Cover: a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial Stormwater Permit: a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration: the process of percolating stormwater runoff into the subsoil.

Jurisdictional Wetland: an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development: any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: those actions or activities which comprise, facilitate or result in land development.

Land Development Project: a discrete land development undertaking.

Inspection and Maintenance Agreement: a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

New Development: a land development activity on a previously undeveloped site.

Nonpoint Source Pollution: a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease,

bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural Stormwater Management Practice or Nonstructural Practice: any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-Site Facility: a stormwater management facility located outside the boundaries of the site.

On-Site Facility: a stormwater management facility located within the boundaries of the site.

Overbank Flood Protection: measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

Owner: the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit: the permit issued by Dawson County to the applicant which is required for undertaking any land development activity.

Person: except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Post-development: refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project: a land development project.

Redevelopment: a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional Stormwater Management Facility or Regional Facility: stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff: stormwater runoff.

Site: the parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater Better Site Design: nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater Management: the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater Management Facility: any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: any stormwater management facility or nonstructural stormwater practice.

Stormwater Management Plan: a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

Stormwater Management System: the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater Retrofit: a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: the flow of surface water resulting from precipitation.

Structural Stormwater Control: a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision: the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Section 3. Permit Procedures and Requirements

3.1. Permit Application Requirements

Permitting of Land Disturbing Activities is covered under the Dawson County Soil Erosion and Sedimentation Control Ordinance. The information required in this ordinance is in addendum to the Soil Erosion and Sedimentation Control Ordinance.

No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to Dawson County a permit application in accordance with the procedures established in the Dawson County Soil Erosion and Sedimentation Control Ordinance on a form provided by Dawson County for that purpose.

Unless otherwise exempted by this ordinance, a permit application shall be accompanied by the following items in order to be considered:

- (1) Stormwater concept plan and consultation meeting certification in accordance with Section 3.2;
- (2) Stormwater management plan in accordance with Section 3.3;
- (3) Inspection and maintenance agreement in accordance with Section 3.4, if applicable.

3.2. Stormwater Concept Plan and Consultation Meeting

Before any stormwater management permit application is submitted, it is recommended that the land owner or developer shall meet with Dawson County for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall

take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the concept plan which shall be submitted in advance of the meeting:

A. Existing Conditions / Proposed Site Plans

Existing conditions and proposed site plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

B. Natural Resources Inventory

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

C. Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

Local watershed plans, and any relevant resource protection plans will be consulted in the discussion of the concept plan.

3.3. Stormwater Management Plan Requirements

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 4 below.

This plan shall be in accordance with the criteria established in this section and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia, who shall seal and sign the work. Section C, D, E and F shall be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work. Portions of the overall plan may be prepared, sealed and signed by a registered Land Surveyor licensed in the state of Georgia as appropriate, such as boundary surveys, contour maps, erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

A. Common address and legal description of site

B. Vicinity Map

C. Existing Conditions Hydrologic Analysis

The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

D. Post-Development Hydrologic Analysis

The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Section 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting

design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 4 must be met for the stormwater runoff from the entire site.

E. Stormwater Management System

The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local environmental protection plans.

F. Post-Development Downstream Analysis

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

G. Construction-Phase Erosion and Sedimentation Control Plan

An erosion and sedimentation control plan in accordance with the Dawson County Erosion and Sedimentation Control Ordinance. The plan shall also

include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

H. Landscaping and Open Space Plan

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

I. Operations and Maintenance Plan

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

J. Maintenance Access Easements

The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

K. Inspection and Maintenance Agreements

Unless an on-site stormwater management facility or practice is dedicated to and accepted by Dawson County as provided in Section 3.4 below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 3.4.

L. Evidence of Acquisition of Applicable Local and Non-local Permits

The applicant shall certify and provide documentation to Dawson County that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

3.4. Stormwater Management Inspection and Maintenance Agreements

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which Dawson County requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by Dawson County, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by Dawson County prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, Dawson County may also enforce all of the provisions for ongoing inspection and maintenance in Section 6 of this ordinance.

Dawson County, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

3.5 Modifications for Off-Site Facilities

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed

and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to Dawson County which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of Dawson County that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- (1) Increased threat of flood damage to public health, life, and property;
- (2) Deterioration of existing culverts, bridges, dams, and other structures;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Degradation of in-stream biological functions or habitat; or
- (5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

Section 4. Post-Development Stormwater Management Performance Criteria

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

4.1. Water Quality

All stormwater runoff generated from sites contained in the EPA designated urbanized area covered by the Dawson County Stormwater Management Plan shall be adequately treated before discharge. The stormwater management system shall be designed to remove 80% of the average annual post-development total suspended solids (TSS) load as defined in the Georgia Stormwater Management Manual. It will be presumed that a stormwater management system complies with this requirement if:

- (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
- (2) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,

- (3) Runoff from hotspot land uses and activities identified by Dawson County are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

4.2. Stream Channel Protection

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- (3) Erosion prevention measures such as energy dissipation and velocity control.

4.3. Overbank Flooding Protection

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 4.2 is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

4.4. Extreme Flooding Protection

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

4.5. Structural Stormwater Controls

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from Dawson County before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, Dawson County may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

4.6. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Section 4.1. The applicant may, if approved by Dawson County, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

4.7. Drainage System Guidelines

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

4.8. Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

Section 5. Construction Inspections of Post-Development Stormwater Management System

5.1. Inspections to Ensure Plan Compliance during Construction

Periodic inspections of the stormwater management system construction shall be conducted by the Dawson County Stormwater Management Office or conducted and certified by a professional engineer who has been approved by Dawson County.

Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications; and,
- (4) Any other variations or violations of the conditions of the approved stormwater management plan.
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

5.2. Final Inspection and As Built Plans

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual “as built” plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. A final inspection by Dawson County is required before the release of any Certificates of Occupancy or Certificates of Completion can occur.

Section 6. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices

6.1. Long-Term Maintenance Inspection of Stormwater Facilities and Practices

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, Dawson County

shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Dawson County, may correct the violation as provided in Subsection 6.4 hereof.

Inspection programs by Dawson County may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

6.2. Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement shall provide for Dawson County to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

6.3. Records of Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to Dawson County.

6.4. Failure to Maintain

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Dawson County, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or safety, 24-hour notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Dawson County may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Section 7. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by

injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

7.1. Notice of Violation

If Dawson County determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action.

7.2 Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, Dawson County shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Dawson County may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order** - Dawson County may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

- (2) **Withhold Certificate of Occupancy** - Dawson County may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - Dawson County may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as Dawson County may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as Dawson County shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or safety, 24-hour notice shall be sufficient) after Dawson County has taken one or more of the actions described above, Dawson County may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) **Criminal Penalties** – The Dawson County Stormwater Manager may at his discretion request the issuance of a citation by the Dawson County Marshal’s Office to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60-days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 8. Severability

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall not be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and the Dawson County Board of

Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.

Section 9. Repealer

All resolutions or ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed.

This ____ day of _____, 2015.

DAWSON COUNTY

ATTEST

By: _____
Mike Berg, Chairman
Board of Commissioners

By: _____
Danielle Yarborough,
County Clerk

VOTE: Yes _____
 No _____

Dates of Public Hearings:

Dates of Advertising:

Backup material for agenda item:

3. Ordinance to amend the compensation of the Chairman and Commissioners (*1st of 2 hearings. 2nd hearing will be held on June 4, 2015*)

**AN ORDINANCE OF
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY**

**TO AMEND THE COMPENSATION OF THE CHAIRMAN AND COMMISSIONERS;
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY;
AND FOR OTHER PURPOSES. O.C.G.A. § 36-5-24**

WHEREAS, Section 2-7 of the Dawson County Code of Ordinances provides for the compensation to be paid to the Chairman and Commissioners of the Dawson County Board of Commissioners; and

WHEREAS, O.C.G.A. § 36-5-24 permits the governing authority of each county to fix the salary, compensation, and expenses of the members of the governing authority subject to certain conditions set forth therein; and

WHEREAS, the current Section 2.7 of the Dawson County Code of Ordinances provides for certain incentive adjustments based upon training and certification provided by the Association of County Commissioners of Georgia no longer offered by the Association of County Commissioners of Georgia.

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby adopts this ordinance regarding the salary, compensation, and expenses of the Chairman and Commissioners as follows:

SECTION 1. Compensation.

The compensation to be paid to the Chairman and the Commissioners shall be in accord with "Exhibit A" that is attached hereto and incorporated herein by reference.

SECTION 11. Effective Date.

The salary, compensation, and expenses of the Chairman and Commissioners shall be effective January 1, 2017, which is the first day of January of the year following the next general election held after the date of this ordinance.

SECTION III. Repealer.

All resolutions or ordinances or parts of resolutions or ordinances and any part of Section 2-7 of the Dawson County Code of Ordinances currently in effect in conflict with the terms of this ordinance are hereby repealed, but any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof is hereby adopted as a part hereof.

SECTION IV. Severability

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of the resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provision of any part of this resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the ordinance not held to be invalid, nor shall the application of the ordinance to other circumstances be held invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts that are not held invalid.

This ____ day of _____, 2015

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST:

By: _____
**Mike Berg, Chairman
Dawson County Commission**

By: _____
Danielle Yarbrough, County Clerk

Vote: _____ Yes

_____ No

Dates of Public Hearings:

Dates of Advertisements:

EXHIBIT A

Chairman

Base Salary Adjusted plus Local Supplement Adjustment	\$ 12,000.00
Incentive Component- (completion of initial commissioner training through Association of County Commissioners of Georgia currently referenced as "core curriculum") (\$100.00 per month)	\$ 1,200.00
Local Incentive Component (completion of at least one of the Association of County Commissioners of Georgia training tracks beyond core training currently referenced as "Lifelong Learning Academy Specialty Certification") (\$100.00 per month)	\$ 1,200.00
Called Meeting Fee- Maximum 72 (\$100.00 per meeting) (shall not include regular meeting or regularly scheduled work session)	\$ 7,200.00

Commissioners - All Districts

Base Salary Adjusted plus Local Supplement Adjustment	\$ 9,600.00
Incentive Component- (completion of initial commissioner training through Association of County Commissioners of Georgia currently referenced as "core curriculum") (\$100.00 per month)	\$ 1,200.00
Local Incentive Component (completion of at least one of the Association of County Commissioners of Georgia training tracks beyond core training currently referenced as "Lifelong Learning Academy Specialty Certification") (\$100.00 per month)	\$ 1,200.00
Called Meeting Fee-Maximum 72 (\$100.00 per meeting) (shall not include regular meeting or regularly scheduled work session)	\$ 7,200.00

Cost of Living Adjustments to the Base Salary and the Local Incentive Supplements shall apply as provided in the Georgia Code. Cost of Living Adjustment shall apply to the incentive payments, but shall not apply to the called meeting fees.

Backup material for agenda item:

1. Approval of the 2015/2016 Health Insurance Renewal Plan



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Administration

Presenter: D. McKee

Submitted By: D. McKee

Date Submitted: 5-5-2015

Item of Business/Agenda Title: Health Insurance Renewal

Attach an Executive Summary fully describing all elements of the item of business. (Attached)

THE ITEM IS FOR:

Work Session presentation only
(no action needed)

OR

Commission Action Needed.

Is there a deadline on this item? If so, Explain: Yes, we need to move forward in preparation of open enrollment

Purpose of Request: Renewal health/dental/vision insurance for eligible employees

Department Recommendation: Accept the proposal with the plan changes as well as increase the self insured coverage

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information: Contracts will be drafted following the decision by the BOC
 No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: Insurance expense is currently budgeted through 12-31-2015.
 No

Amount Requested: \$2,881,642 (max possible) Amount Budgeted:

Fund Name and Account Number: Renewal for July2015-June 2016

Administration Staff Authorization

Dept. Head Authorization: D. McKee Date: _____

Finance Dept. Authorization: _____ Date: _____

County Manager Authorization: CINDY CAMPBELL Work Session Date: _____

Comments: _____

Current Insurance FY15 budget is through 12-31-15, Remainder will be budgeted in FY16



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Health Insurance Renewal

DATE: 5-5-2015

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

BUDGET INFORMATION:

ANNUAL- \$2,881,642
CAPITAL- _____

COMMISSION ACTION REQUESTED ON: 5-21-2015

PURPOSE: To determine the most viable option to renew health/dental/vision/ Short and long term disability/Life insurance (insurance) to all eligible employees.

HISTORY: Last year the BOC elected to start a self-funded insurance plan following a 19% initial renewal which resulted in no increase to our employees for 3 years. National average health care increase is approximately 9-11%. Health care runs July 1 through June 30 and is budgeted over two budget years.

FACTS AND ISSUES: Initial renewal from Blue Cross Blue Shield (BCBS) was a 30.5% increase. Staff worked with Northwestern and negotiated with BCBS on the self insurance stop/loss insurance and recommend minor plan amendments to achieve a 13% increase

OPTIONS: Staff has reviewed 10-12 options with Northwestern and determined that the proposal presented is the most viable insurance renewal option.

RECOMMENDED SAMPLE MOTION: Motion to accept the proposal as presented by staff and Northwestern Benefits

DEPARTMENT: Administration

Prepared by: D. McKee

Director _____

2015-2016 Employee Health Insurance Renewal



DAVID MCKEE, DIRECTOR OF ADMINISTRATION

**JASON BRADY, PARTNER NORTHWESTERN BENEFIT
CORP.**

JENNIFER PILGRIM, BENEFITS CONSULTANT



**Northwestern
Benefit** CORPORATION
OF GEORGIA

Background



- Northwestern Benefit Corp. insurance broker of record.
- 215 total employees
 - 513 total insured within pool
- Insurance provided in renewal
 - Medical (Partially self Insured)
 - Vision
 - Dental
 - Short and Long Term Disability
 - Life
- July 1, 2015 Effect Date

Past Renewals



- 2011- 2012 Faced a 34% increase from BCBS/ACCG , Additional \$794K needed.
 - Changed Carriers, Adjusted benefits, left ACCG pool
 - Resulted in no increase to the employees and \$33K increase absorbed by the county.
- 2013- No Increase to EE, Minimal increase to the County
- 2014- Faced a 38% Increase from BCBS.
 - Partially self funded medical \$75K stop/Loss Coverage and 120% aggregate corridor.
 - Resulted in a \$262,000 Increase absorbed by the county

Partially Self-Funded insurance pool



- High Risk High Reward
- High claims totaling in (4) aggregate claims exceeding \$75K
- At the time of renewal Dawson County's Loss ratio was ~220% of the maximum claim liability
- Currently

Process Outlined



- March 3rd Staff met with Northwestern Benefit Corp. to discuss the current renewal process.
- April 2nd staff received the initial renewal. North Western negotiated several options at that time. Staff requested additional options.
- April 17th staff met with Northwestern to discuss new renewal options
- May 5th Staff met with Northwestern to discuss final insurance renewal options.

2015 Renewal Option 1



- 31% increase resulting in an ~\$770,000 increase to the insured pool.
 - ✦ \$75K specific stop\loss coverage
 - ✦ 120% aggregate claims corridor
- No Plan Changes
- No Adjustments in premium cost

Option 1	
Current	Initial Renewal
BCBS/GGL/Aetna/VSP	BCBS/GGL/Aetna/VSP
\$483,337	\$551,897
BCBS	BCBS
\$75k spec, 120% agg	\$75k spec, 120% agg
\$1,853,584	\$2,539,210
BCBS	BCBS
\$127,184	\$127,184
BCBS	BCBS
\$27,586	\$27,586
GGL	GGL
\$19,631	\$20,614
VSP	VSP
\$0	\$15,480
-	FlexCore
\$2,533,381	\$3,304,030
---	\$770,649
---	30.4%

2015 Renewal Option 2



- 13.7 % Increase resulting in \$339,000
 - \$85K specific stop\loss
 - 105% aggregate Claims Corridor
 - Minimal Plan Changes
 - ✦ Adjustment in the RX copays
 - Added HDHP plan paired with an HSA
 - No Premium Cost Increase to the Employees
 - 13% EE and 87%ER premium breakdown

Option 2
Renewal Option 3
BCBS/Aetna
\$488,357
BCBS
<i>\$85k spec, 105% agg</i>
\$2,186,856
BCBS
\$126,071
Aetna
\$27,586
Aetna
\$15,234
Aetna
\$15,480
FlexCare
\$2,881,642
\$348,261
13.7%

Medical Premium Modeling Option 2



2014 Current	2014 Lives						Option 2					
		Total Monthly Rate	EE Portion (Monthly)	%	ER Portion (Monthly)	%	2015 Lives	2015 Total Monthly Rate	EE Portion (Monthly)	%	ER Portion (Monthly)	%
Medical HMO												
Employee Only	74	\$452.98	\$77.26	17%	\$375.72	83%	59	\$614.26	\$77.26	13%	\$537.00	87%
Employee + 1	58	\$905.95	\$146.54	16%	\$759.41	84%	47	\$1,030.43	\$146.54	14%	\$883.89	86%
Family	74	\$1,390.64	\$224.66	16%	\$1,165.98	84%	59	\$1,475.74	\$224.66	15%	\$1,251.08	85%
Total Monthly	206	\$188,973	\$30,841	16%	\$158,132	84%	165	\$171,740	\$24,701	14%	\$147,040	86%
Medical POS												
Employee Only	4	\$514.44	\$130.66	25%	\$383.78	75%	4	\$618.48	\$130.66	21%	\$487.82	79%
Employee + 1	3	\$1,028.89	\$261.34	25%	\$767.55	75%	3	\$1,038.86	\$261.34	25%	\$777.52	75%
Family	2	\$1,579.35	\$400.88	25%	\$1,178.47	75%	2	\$1,488.67	\$400.88	27%	\$1,087.79	73%
Total Monthly	9	\$8,303	\$2,108	25%	\$6,195	75%	9	\$8,568	\$2,108	25%	\$6,459	75%
Medical HDHP												
Employee Only	0						15	\$568.78	\$91.00	16%	\$477.78	84%
Employee + 1	0						11	\$937.47	\$151.64	16%	\$785.83	84%
Family	0						15	\$1,333.03	\$215.35	16%	\$1,117.68	84%
Total Monthly	0	\$0	\$0		\$0		41	\$38,839	\$6,263	16%	\$32,576	84%
Total Monthly		\$197,276	\$32,950		\$164,326			\$219,147	\$33,072		\$186,075	
Total Annual		\$2,367,313	\$395,398		\$1,971,915			\$2,629,768	\$396,870		\$2,232,899	
Variance								\$262,455	\$1,472		\$260,983	
% of Total Cost		---	16.7%		83.3%			---	15.1%		84.9%	

2015 Renewal Option 3



- 13.7 % Increase resulting in \$339,000
 - \$85K specific stop\loss
 - 105% aggregate Claims Corridor
 - Minimal Plan Changes
 - ✦ Adjustment in the RX copays
 - Added HDHP plan paired with an HSA
 - Minimal Premium Cost Increase to the Employees
 - 16% EE and 84%ER premium breakdown, Current plan is equal this option

Medical Premium Modeling Option 3



2014 Current	2014 Lives	Total Monthly Rate	EE Portion (Monthly)	%	ER Portion (Monthly)	%	2015 Lives	2015 Total Monthly Rate	EE Portion (Monthly)	%	ER Portion (Monthly)	%
Medical HMO												
Employee Only	74	\$452.98	\$77.26	17%	\$375.72	83%	59	\$614.26	\$98.28	16%	\$515.98	84%
Employee + 1	58	\$905.95	\$146.54	16%	\$759.41	84%	47	\$1,030.43	\$164.87	16%	\$865.56	84%
Family	74	\$1,390.64	\$224.66	16%	\$1,165.98	84%	59	\$1,475.74	\$236.12	16%	\$1,239.62	84%
Total Monthly	206	\$188,973	\$30,841	16%	\$158,132	84%	165	\$171,740	\$27,478	16%	\$144,262	84%
Medical POS												
Employee Only	4	\$514.44	\$130.66	25%	\$383.78	75%	4	\$618.48	\$157.08	25%	\$461.40	75%
Employee + 1	3	\$1,028.89	\$261.34	25%	\$767.55	75%	3	\$1,038.86	\$263.87	25%	\$774.99	75%
Family	2	\$1,579.35	\$400.88	25%	\$1,178.47	75%	2	\$1,488.67	\$377.86	25%	\$1,110.81	75%
Total Monthly	9	\$8,303	\$2,108	25%	\$6,195	75%	9	\$8,568	\$2,176	25%	\$6,392	75%
Medical HDHP												
Employee Only	0						15	\$571.73	\$91.48	16%	\$480.25	84%
Employee + 1	0						11	\$940.42	\$152.12	16%	\$788.30	84%
Family	0						15	\$1,335.98	\$215.83	16%	\$1,120.15	84%
Total Monthly	0	\$0	\$0		\$0		41	\$38,960	\$6,283	16%	\$32,677	84%
Total Monthly		\$197,276	\$32,950		\$164,326			\$219,268	\$35,937		\$183,331	
Total Annual		\$2,367,313	\$395,398		\$1,971,915			\$2,631,220	\$431,244		\$2,199,976	
Variance								\$263,907	\$35,846		\$228,061	
% of Total Cost		---	16.7%		83.3%			---	16.4%		83.6%	

Medical Summary



- **Option 1**
 - Accept Initial renewal of 31% increase totaling \$770,649
- **Option 2**
 - Accept negotiated renewal of \$85K stop\loss, 105% aggregate corridor, added HDHP plan, NO Cost increase to the employees
- **Option 3**
 - Accept negotiated renewal of \$85K stop\loss, 105% aggregate corridor, added HDHP plan, Minimal cost increase to the employees

Option 3 EE Cost Increase



Per Pay Period Increase

- HMO

- EE-----\$10.51
- EE+1-----\$9.17
- Family-----\$5.73

- POS

- EE-----\$13.21
- EE+1-----\$1.27
- Family-----\$-11.21

Ancillary Plans



- Life/ADD- No Increase (Aetna)
- Dental- 9.8% Decrease, change carrier to Aetna
 - Average savings of \$6/month
- Voluntary Life- No Increase (Aetna)
- Short Term Disability- No Increase (Aetna)
- Long Term Disability- No Increase (Aetna)
- Vision - 22.4% Decrease, change carrier to Aetna
 - Average savings of \$2.50/month



Dental Plan Analysis

July 1, 2015 Renewal

Benefits	Current & Renewal - BC/BS of GA PPO - 100/80/50/50% \$1,000		Aetna PPO - 100/80/50/50% \$1,000	
	In-Network	Out-of-Network	In-Network	Out-of-Network
Annual Deductible				
Individual	\$50	\$50	\$50	\$50
Family	\$150	\$150	\$150	\$150
Deductible Applies To	Basic & Major	Basic & Major	Basic & Major	Basic & Major
Plan-year or Calendar-year Accumulation	Calendar Year	Calendar Year	Calendar Year	Calendar Year
Annual Plan Maximum	\$1,000	\$1,000	\$1,000	\$1,000
Preventive Services	100%	100%	100%	100%
Basic Service	80%	80%	80%	80%
Major Services	50%	50%	50%	50%
Implants	N/A	N/A	N/A	N/A
Periodontic Treatment	80%	80%	80%	80%
Endodontic Treatment	80%	80%	80%	80%
Orthodontic Services	50%	50%	50%	50%
Orthodontia Deductible	\$0	\$0	\$0	\$0
Orthodontia Lifetime Maximum	\$1,000	\$1,000	\$1,000	\$1,000
Orthodontia Age Limits	19	19	19	19
Annual Open Enrollment	Yes		Yes	
Out of Network Reimbursement	90th%		90th%	
Minimum Participation Required	65%		60%	
Tier	Counts	Current Rates	Renewal Rates	*Aetna
Employee Only	72	\$28.82	\$28.82	\$26.01
Employee + Spouse	38	\$58.58	\$58.58	\$52.86
Employee + Child(ren)	11	\$72.27	\$72.27	\$65.21
Family	54	\$101.90	\$101.90	\$91.95
Estimated Monthly Premium		\$10,599	\$10,599	\$9,564
Estimated Annual Premium		\$127,184	\$127,184	\$114,768
Percentage Change From Current		0.0%		-9.8%
Annual Dollar Change From Current		\$0.00		(\$12,416)



Vision Plan Analysis

July 1, 2015 Renewal

Benefits	Current & Renewal - VSP Voluntary: \$20/\$20 12/12/24		BC/BS Voluntary: \$20/\$20 12/12/24		Aetna Choice Network	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Eye Exam	\$20 Copay	\$45 Allowance	\$20 Copay	\$30 Allowance	\$20 Copay	\$20 Allowance
Eyeglass Lenses						
Single Vision	\$20 Copay	\$30 Allowance	\$20 Copay	\$25 Allowance	\$20 Copay	\$15 Allowance
Bifocal	\$20 Copay	\$50 Allowance	\$20 Copay	\$40 Allowance	\$20 Copay	\$30 Allowance
Trifocal	\$20 Copay	\$65 Allowance	\$20 Copay	\$55 Allowance	\$20 Copay	\$60 Allowance
Lenticular	N/A	N/A	N/A	N/A	\$20 Copay	\$60 Allowance
Progressive (Standard)	\$55 Copay	\$50 Allowance	\$85 Copay	N/A	\$85 Copay	\$30 Allowance
Frames	\$130 Allowance	\$70 Allowance	\$130 Allowance	\$45 Allowance	\$130 Allowance	\$65 Allowance
Contact Lenses (Elective)	\$130 Allowance	\$105 Allowance	\$130 Allowance	\$105 Allowance	\$130 Allowance	\$105 Allowance
Contact Lenses (Medically Necessary)	\$20 Copay	\$105 Allowance	Covered 100%	\$210 Allowance	Covered 100%	\$200 Allowance
Frequency of Services						
Exams	12 Months		12 Months		12 Months	
Lenses	12 Months		12 Months		12 Months	
Frames	24 Months		24 Months		24 Months	
Contact Lenses	12 Months		12 Months		12 Months	
Laser Vision Correction	Discounts Apply		Discounts Apply		Discounts Apply	
Provider Network	VSP Choice		Blue View		Aetna Vision	
Rate Guarantee	Until 6/30/2017		Until 6/30/2018		Until 6/30/2017	
Tier	Counts	Current Rates	Renewal Rates	BC/BS Rates	Aetna Rates	
Employee Only	62	\$6.64	\$6.97	\$6.93	\$4.64	
Employee + 1	39	\$10.62	\$11.15	\$11.08	\$8.82	
Employee + Child(ren)	7	\$10.84	\$11.39	\$11.31	\$9.28	
Family	42	\$17.48	\$18.36	\$18.24	\$13.64	
Estimated Monthly Premium		\$1,636	\$1,718	\$1,707	\$1,270	
Estimated Annual Premium		\$19,631	\$20,614	\$20,484	\$15,234	
Percentage Change From Current			5.0%			-22.4%
Annual Dollar Change From Current			\$983			(\$4,397)

Recommendation



- Staff recommends OPTION 3 medical plan renewal and all ancillary plans as presented.
 - 13.7 % Increase resulting in \$339,000
 - \$85K specific stop\loss
 - 105% aggregate Claims Corridor
 - Minimal Plan Changes
 - Adjustment in the RX copays
 - Added HDHP plan paired with an HSA
 - Minimal Premium Cost Increase to the Employees
 - 16% EE and 84%ER premium breakdown, Current plan is equal this option

Backup material for agenda item:

2. Approval of County Extension Personnel Contract/Memorandum of Understanding



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: County Extension Office

Presenter: County Extension Agent Clark MacAllister

Submitted By: County Extension Agent Clark MacAllister

Date Submitted: 04/22/2015

Item of Business/Agenda Title: Presentation of the County Extension Personnel Contract/Memorandum of Understanding

Attach an Executive Summary fully describing all elements of the item of business. (Attached)

THE ITEM IS FOR:

Work Session presentation only
(no action needed)

OR X Commission Action Needed.

Is there a deadline on this item? If so, Explain: _____

Purpose of Request: Seek approval of the County Extension Personnel Contract/Memorandum of Understanding between the Board of Regents of the University System of Georgia on behalf of the University of Georgia Cooperative Extension and the Dawson County Board of Commissioners

Department Recommendation: _____

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information: _____

X No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: Salary Supplements for two UGA employees and salary and benefits for one full-time County employee are budgeted.

No

Amount Requested: _____

Amount Budgeted: FY 2015 total salary and benefits budgeted: \$75,070

Fund Name and Account Number: 100-00-7130-51XXXX-000

Administration Staff Authorization

Dept. Head Authorization: _____

Date: _____

Finance Dept. Authorization: Dena Bosten

Date: 5/6/2015

County Manager Authorization: _____

Work Session Date: _____

Comments: _____

Attachments: Contract/MOU

COUNTY EXTENSION PERSONNEL CONTRACT/MEMORANDUM OF UNDERSTANDING

Between

THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA

On Behalf of

THE UNIVERSITY OF GEORGIA COOPERATIVE EXTENSION

And the

DAWSON

COUNTY BOARD OF COMMISSIONERS

In accordance with the Smith-Lever Act of the U.S. Congress of 1914, an agreement between The Board of Regents of the University of Georgia system on behalf of the University of Georgia Extension and the U.S. Department of Agriculture to conduct Extension work in Georgia, and by virtue of the authority conferred upon the governing authority of the county under Article 9, Section 4, Paragraph 2, of the Constitution as amended in 1983, as implemented in the O.C.G.A. #20-2-62 and O.C.G.A. #48-5-220, 10, the Dawson County Board of Commissioners hereinafter referred to as the **COUNTY** and the Board of Regents of the University of Georgia by and on behalf of the UGA Extension hereinafter referred to as the **UGA EXTENSION** do hereby agree to cooperate in the operation of an Extension education program in agriculture, natural resources and environmental management, family and consumer science, 4-H/youth work, and subjects related thereto in Dawson County.

SECTION I

The UGA EXTENSION shall:

1. - employ and supervise County Extension personnel. It shall be the responsibility of the UGA EXTENSION to establish minimum qualifications for County Extension personnel, certify the qualifications of all applicants, and to determine the total salary applicants are to be paid.
2. - appoint County Extension personnel in compliance with Equal Employment Opportunity regulations and subject to the approval of the COUNTY.
3. - in the event the work of any County Extension staff member becomes unsatisfactory to the COUNTY, it shall be the responsibility of the COUNTY to communicate this dissatisfaction to the District Extension Director of the UGA EXTENSION. It shall then be the responsibility of the UGA EXTENSION to appropriately deal with the dissatisfaction and advise the COUNTY of action taken, if any. The UGA EXTENSION shall have the right to terminate or transfer personnel from the county. In either case, a replacement will be selected for the county, following the procedure described above.
4. - keep at all times an accurate record of all funds received and disbursed under this agreement including all support documents. The UGA EXTENSION shall retain such records for a period of three (3) years unless an audit has begun but not been completed or if the audit findings have not been resolved at the end of three (3) year period. In such cases, the records shall be retained until the audit is complete or until the resolution of the audit findings.
5. - carry out all work under this agreement in accordance with the administrative and other requirements, including personnel matters, established by the University of Georgia, federal and state laws, regulations, and standards.
6. - provide County Extension personnel with the necessary stationery, envelopes, publications and other educational materials needed for an effective program. The UGA EXTENSION also agrees to plan, implement and conduct training as necessary to keep County Extension personnel adequately prepared to conduct effective, relevant Extension programs.
7. - pay a portion of the salary and associated benefits of County Extension personnel at a rate in compliance with the Board of Regents and the UGA EXTENSION salary administration policies.
8. - reimburse all County Extension personnel directly for expenses incurred on behalf of the UGA EXTENSION for officially designated travel outside Dawson County as authorized by the District Extension Director.
9. - support County Extension personnel and the Extension program in Dawson County with necessary assistance of district and state subject matter and supervisory personnel and other resources as available from the University of Georgia, the University System of Georgia, and other agencies and organizations with whom the UGA EXTENSION cooperates.
10. - report to the Dawson County Board of Commissioners at regular intervals on the nature of the County Extension program and progress being made.

SECTION II

The COUNTY shall:

1. - provide a suitable County Extension office; the suitability of the office to be agreed on by all parties. The COUNTY further agrees to provide sufficient funds to pay for necessary office supplies, office equipment, telephone, utilities, data communication/networking (including broadband internet connectivity), postage, demonstration materials, janitorial service and other items necessary for the operation of an effective Extension education program.
2. - provide a portion of the salaries and associated benefits of County Extension personnel as shall be agreed upon by UGA EXTENSION and the COUNTY. Salary and benefits, including leave, shall be calculated according to policies established by the Board of Regents. The UGA EXTENSION will provide monthly statements to the COUNTY reflecting the COUNTY

portion of benefits and/or salary. COUNTY reimbursement for county portion of benefits will be made to the UGA EXTENSION in the full amount upon receipt of the statement. COUNTY reimbursement for county portion of salary shall be paid monthly by the COUNTY directly to County Extension personnel unless some other method is agreed upon in writing by the UGA EXTENSION and the COUNTY.

3. - when an individual terminates employment through resignation or retirement, and chooses to take a lump-sum payment for accumulated annual leave, the COUNTY agrees to pay their share of the annual leave payment in accordance with UGA leave policy.
4. - reimburse the travel expenses of County Extension personnel for official travel on behalf of Dawson County. The reimbursement shall be paid monthly by the COUNTY directly to County Extension personnel unless some other method is agreed upon in writing by the UGA EXTENSION and the COUNTY.
5. - approve or disapprove appointment recommendations of County Extension personnel.
6. -notify the District Extension Director of the UGA EXTENSION if the work of any County Extension staff member is unsatisfactory to the COUNTY.
7. - evaluate financial support to the UGA EXTENSION annually, make adjustments as necessary for continued effective support, and to notify the UGA EXTENSION of these adjustments. The evaluation should include salary dollars for cost-of-living and/or merit increases.

SECTION III

1. This Contract/Memorandum shall take effect when it is executed by the DAWSON COUNTY BOARD OF COMMISSIONERS and the UGA EXTENSION.
2. The term of this Agreement shall be from (date) _____ until rescinded. It may be terminated by either party by written notice of such intent provided ninety (90) days in advance.
3. This Agreement may be modified by mutual written agreement of the parties hereto.
4. This Agreement may be renewed annually by letter of agreement signed by the parties hereto.
5. Neither party to this agreement will discriminate against any employee or applicant for employment or against any applicant for enrollment at any school or college or against any student in his/her course of study or training because of race, color, sex, creed, national origin, age, disability, or veteran status.

Date Chairman, Board of Commissioners, Dawson County Or
County Administrator/Manager

Date County Extension Coordinator, Dawson County

Date District Extension Director

Date Associate Dean for Extension, Cooperative Extension
University of Georgia

Date Dean and Director, College of Agricultural and Environmental Sciences
University of Georgia

Date Vice President for Public Service and Outreach
University of Georgia

Backup material for agenda item:

3. Approval of Bid #251-15 IFB Course Aggregates (Gravel) for FY2016



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: Purchasing on behalf of Public Works

Presenter: Public Works Director David Headley

Submitted By: Purchasing Director Davida Simpson

Date Submitted: May 5, 2015

Item of Business/Agenda Title: Presentation of Bid #251-15 IFB Course Aggregates (Gravel) for FY2016

Attach an Executive Summary fully describing all elements of the item of business. (Attached)

THE ITEM IS FOR:

Work Session presentation only
(no action needed)

OR **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: July 23, 2015 is the 90 deadline for BOC to take action

Purpose of Request: To secure pricing under an annual contract for gravel beginning January 1, 2016

Department Recommendation: Approve contract as submitted

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

- Yes Explanation/ Additional Information: Contract to be executed. Standard contract was written by County Attorney but not specifically reviewed in this instance. Only changes to contract were the insertion of vendor and bid information.
- No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

- Yes Explanation/ Additional Information: Contract is for FY 2016. Amount will be budgeted during the FY 2016 budget process.
- No

Amount Requested: as needed Amount Budgeted: FY 2015 budget: \$165,000

Fund Name and Account Number: 100-00-4220-531116-000

Administration Staff Authorization

Dept. Head Authorization: _____ Date: _____

Finance Dept. Authorization: Dena Bosten Date: 5/6/2015

County Manager Authorization: CINDY CAMPBELL Work Session Date: 05/14/2015

Comments: Bid documents can be found at www.dawsoncounty.org> Bids& RFPs> Under Evaluation. Contract is attached. Exhibit B is the Vendor's Price Proposal Form



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Presentation of Bid #251-15 IFB Course Aggregates (Gravel) for FY2016

DATE: May 5, 2015

BUDGET INFORMATION:

ANNUAL- _____
CAPITAL- _____

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

COMMISSION ACTION REQUESTED ON: May 21, 2015

PURPOSE: To secure pricing under an annual contract for gravel beginning January 1, 2016. Contract is on as-needed basis.

HISTORY: Standard standby contract for goods. Current contract will expire December 31, 2015 with no additional option to renew.

FACTS AND ISSUES: Vulcan Materials Company is the only responsive, responsible bidder. This is considered a sole source due to geographical location.

OPTIONS: Approve as submitted (recommended). Reject and quote separately as needed.

RECOMMENDED SAMPLE MOTION: Motion to approve Bid #251-15 IFB Course Aggregates (Gravel) for FY2016 to the only responsible, responsive bidder, Vulcan Materials Company out of Atlanta, GA, and approve the contract as submitted beginning January 1, 2016.

DEPARTMENT:

Prepared by: David Simpson

Director _____

ANNUAL CONTRACT AND AGREEMENT

Contract Start Date:	January 1, 2016
Contract End Date:	December 31, 2016
Contract Name:	Course Aggregates (Gravel)
Vendor Name:	Vulcan Materials Company
Address:	800 Mount Vernon Hwy, NE, Suite 200 Atlanta, GA 30328
Telephone No.:	706-982-9071
Contact Person:	Greg Webber
Payment Terms:	Net 30 days

This Agreement is hereby made and entered into this 1st day of January, 2016, by and between Dawson County, Georgia (hereinafter referenced as “County”) and Vulcan Materials Company, a Georgia limited liability corporation, (hereinafter referenced as “Vendor”).

The Invitation for Bids pursuant to Dawson County Bid No. #251-15 Course Aggregates (Gravel) addenda issued for the Invitation for Bids referenced herein, and the Vendor’s bid are hereby incorporated herein by reference and made a part of this contract and agreement between the parties.

1. **Products/Material**

Vendor shall furnish the products/material in accord with the Invitation for Bids and the addenda issued for the Invitation for Bids and the Vendor’s bid set forth within “Exhibit A” that is attached hereto incorporated herein by reference.

2. **Term of Agreement**

This Agreement shall commence on the 1st day of January, 2016 and shall terminate on December 31, 2016 with two (2), one (1) calendar year renewals permitted if both parties agree. The Vendor shall provide the County with a minimum of ninety (90) days notice of any request for changes to the original contract terms; provided, however, that any price increase shall not exceed three percent (3%) of the contract price for the term being renewed for any renewal term. This contract shall be automatically renewed in accord with the terms hereof, unless the County takes action to terminate the Contract by providing thirty (30) days’ notice of the intent not to renew the terms thereof.

If, at any time, the County determines it is in its best interest to discontinue use of these services the County reserves the right to cancel this Agreement by giving thirty (30) days advance written notice.

3. **Multi-Year Contract**

This Contract and Agreement shall terminate absolutely and without further obligation on the part of the County at the close of the calendar year in which this Contract is executed and at the close of each succeeding calendar year for which the Contract may be renewed. This Contract shall be automatically renewed in accord with

the terms hereof, unless the County takes action to terminate the Contract by providing thirty (30) days notice of the intent not to renew the terms hereof.

The total obligation of the County for the calendar year of execution shall be the amount set forth within "Exhibit A." The total obligation that will be incurred in each calendar year renewal term, if renewed, shall be the amount set forth within "Exhibit A" plus any price increase permitted in accord with the terms hereof. Title to any supplies, materials, equipment, or other personal property shall remain in the Vendor until fully paid for by the County.

This Contract shall terminate immediately and absolutely at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the County under the terms of this Contract or any renewal.

4. **Payment**

Compensation to the Vendor shall be as set forth in the Invitation for Bids, any addenda issued for the Invitation for Bids, and the Vendor's Bid and shall constitute payment in full for work completed.

5. **Invoices**

All invoices from the Vendor shall provide itemized detail of the items purchased. The Vendor represents to the County that the Vendor is experienced and properly qualified to perform the functions to be performed by the Vendor in accord with the terms hereof and that the Vendor is properly equipped, organized and financially able to perform such functions.

The Vendor shall not assign, transfer, nor convey the terms of this Contract or any part hereof without written consent from the County.

6. **Confidential Information**

While providing services for the County, the Vendor shall not disclose any confidential information that may become known to the Vendor. Personnel acting on behalf of the Vendor shall be instructed to not remove any of the County's documents or materials and to not disclose any confidential information to any persons other than County personnel, unless written authorization from the County is provided.

All documents and materials prepared pursuant to the Bid and this Contract shall be the property of Dawson County. The County shall have the unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any report, data, map, or other material obtained or prepared as a result of this Contract and Agreement.

7. **Litigation and Arbitration**

The County and the Vendor agree to resolve through negotiation, mediation or arbitration any disputes between the parties arising out of or relating to this Contract and Agreement. If the parties do not resolve the dispute through negotiation and do not agree to mediation, then arbitration shall be the exclusive and final method of resolving any

disputes related to this Agreement. Arbitration proceedings shall be in accord with O.C.G.A. § 9-9-1, et seq., the Georgia Arbitration Code. Venue for any litigation arising from this Contract shall be the Superior Court of Dawson County, Georgia. A demand for arbitration shall be made within a reasonable term after the claim, dispute or other matter in question occurs, but not later than one-hundred and eighty (180) days after such claim, dispute or other matter.

8. Notices

Any notice required in accord with the terms hereof shall be delivered via certified mail or commercial delivery service as follows:

County:

Contractor:

Dawson County Board of Commissioners

Vulcan Materials Company

ATTN: Purchasing Director

ATTN: Greg Webber

25 Justice Way, Suite 2223

800 Mount Vernon Hwy NE, Suite 200

Dawsonville, GA 30534

Atlanta, GA 30328

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 20__.

DAWSON COUNTY, GEORGIA

CONTRACTOR:

By:

By:

Name:

Name:

Title:

Title:

Attest:

Attest:

By:

By:

Name:

Name:

Title:

Title:



**BID #251-15 IFB COURSE AGGREGATES (GRAVEL) FY2016
VENDOR'S PRICE PROPOSAL FORM
PAGE 1 OF 2**

Company Name: VULCAN MATERIALS COMPANY - DAHLONEGA QUARRY

Gravel Type	Quantity Estimate	Unit of Measure	Virgin Material Total Bid Price Per Ton	Recycled Material Total Bid Price Per Ton
Rip Rap Type 1	50	per ton	16.25	
Rip Rap Type 3	216	per ton	16.25	
Surge	271	per ton	15.75	
Baby Surge	35	per ton	15.75	
Graded Aggregates Base (GAB)	20,390	per ton	9.50	
#34 Stone	52	per ton	NA	
#4 Stone	127	per ton	13.00	
#57 Stone	152	per ton	13.25	
#89 Stone	108	per ton	15.00	
M-10 Screenings	24	per ton	11.00	
Sand	20	per ton	12.00	

Recycled materials not previously used. Estimates are based on Virgin Materials.

Note: The total bid price per ton shall include: gravel and any other applicable charges as stated on page 8, Section 3.3. No additional charges will be accepted after the bid opening.

Bidder's Financial Response Form continued on next page.



**BID #251-15 IFB COURSE AGGREGATES (GRAVEL) FY2016
VENDOR'S PRICE PROPOSAL FORM
PAGE 1 OF 2**

Company Name: VULCAN MATERIALS COMPANY - CHEROKEE QUARRY

Gravel Type	Quantity Estimate	Unit of Measure	Virgin Material Total Bid Price Per Ton	Recycled Material Total Bid Price Per Ton
Rip Rap Type 1	50	per ton	16.25	
Rip Rap Type 3	216	per ton	16.25	
Surge	271	per ton	15.75	
Baby Surge	35	per ton	15.75	
Graded Aggregates Base (GAB)	20,390	per ton	9.00	
#34 Stone	52	per ton	12.00	
#4 Stone	127	per ton	NA	
#57 Stone	152	per ton	13.25	
#89 Stone	108	per ton	15.00	
M-10 Screenings	24	per ton	11.00	
Sand	20	per ton	12.00	

Recycled materials not previously used. Estimates are based on Virgin Materials.

Note: The total bid price per ton shall include: gravel and any other applicable charges as stated on page 8, Section 3.3. No additional charges will be accepted after the bid opening.

Bidder's Financial Response Form continued on next page.



COURSE AGGREGATES (GRAVEL) FOR FY2016 #251-15 IFB

Overview

- Standard standby contract for goods
 - ▣ Purchase on an as-needed basis
 - ▣ Commodity was bid out in anticipation of December 31, 2015 contract expiration
 - ▣ All renewals have been exhausted
 - ▣ Vendor performance and goods meet expectations and has been helpful
- Bid Ordinance requires sealed bids on all commodities over \$25,000.00.
 - ▣ FY2014: \$186,355
- Bid was released on March 25, 2015

Acquisition Strategy

- Advertised in Legal Organ
- Posted on County Website
- Posted on GLGA Marketplace
- Posted on Georgia Procurement Registry
- Emailed notification through vendor registry
- Notification through County's Facebook and Twitter accounts
- Notification through Chamber of Commerce

- Notice sent to multiple vendors (State-wide)
- 1 proposals received
 - Considered a sole source given our location in North Georgia

Sole Source Information

- On a local level, 13 notices of bid opportunity were sent out
- Most local vendors obtain course aggregates from one vendor, Vulcan Materials Company, Inc. at one of the two local plants: Canton or Dahlonega
- No local vendor can complete with direct pricing from the “manufacturer”

Bid Results

Gravel Type	Quantity Estimate*	Unit of Measure	Virgin Material Total Bid Price Per Ton - Canton	Virgin Material Total Bid Price Per Ton - Dahlonega
Rip Rap Type 1	50	per ton	\$16.25	\$16.25
Rip Rap Type 3	216	per ton	\$16.25	\$16.25
Surge	271	per ton	\$15.75	\$15.75
Baby Surge	35	per ton	\$15.75	\$15.75
Graded Aggregates Base (GAB)	20,390	per ton	\$9.00	\$9.50
#34 Stone	52	per ton	\$12.00	N/A
#4 Stone	127	per ton	N/A	\$13.00
#57 Stone	152	per ton	\$13.25	\$13.25
#89 Stone	108	per ton	\$15.00	\$15.00
M-10 Screenings	24	per ton	\$11.00	\$11.00
Sand	20	per ton	\$12.00	\$12.00

- * Estimates based off FY2014 usage
- Proposals reflect an increase compared to 2013 contract price. Vendor reports higher costs and market. Vendor did not raise costs during previous contract.

Bid Results Explained

- Dawson County purchases course aggregates from both the Canton and Dahlonega plants
- Location of project site determines plant
 - Projects on the west and south sides of the County buy from Canton
 - Projects on the east and north sides of the County buy from Dahlonega
- This is a cost savings to the County to utilize both facilities

Recommendation

- Staff respectfully requests the Board to award Bid #251-15 IFB Course Aggregates (Gravel) to the only responsive, responsible bidder, Vulcan Materials Company out of Atlanta, GA, and approve the contract as submitted beginning January 1, 2016.

Backup material for agenda item:

4. Approval of Disaster Declaration Documentation



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: ESA

Presenter: Billy Thurmond

Submitted By: Billy Thurmond

Date Submitted: 05-04-2015

Item of Business/Agenda Title: Disaster Declaration Documentation

Attach an Executive Summary fully describing all elements of the item of business. (Attached)

THE ITEM IS FOR:

Work Session presentation only
(no action needed)

OR **Commission Action Needed.**

Is there a deadline on this item? If so, Explain:

Purpose of Request: BOC approval for Chairman to sign Designation of Applicant's Agent Form and Sub- Grantee Agreement

Department Recommendation: BOC approval for Chairman to sign disaster declaration documents

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information: Sent to County Attorney Homans

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: Applying for funding for disaster declaration for Feb. 15-18 ice storm

No

Amount Requested:

Amount Budgeted:

Fund Name and Account Number:

Administration Staff Authorization

Dept. Head Authorization: Billy Thurmond Date: 05-04-2015

Finance Dept. Authorization: _____ Date: _____

County Manager Authorization: CINDY CAMPBELL Work Session Date: 05/14/2015

Comments: _____



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Disaster Declaration Documents

DATE: 05-04-2015

BUDGET INFORMATION:
ANNUAL- _____
CAPITAL- _____

- RECOMMENDATION**
- POLICY DISCUSSION**
- STATUS REPORT**
- OTHER**

COMMISSION ACTION REQUESTED ON: Approval for Chairman to sign Disaster Documents

PURPOSE: The Disaster of Applicant's Agent Resolution and future Sub-grantee packet are documents that have to be signed and returned for the county to become eligible to receive disaster funding.

HISTORY: A winter storm came through the county on Feb. 15 that caused damage that included debris and vehicle damage.

FACTS AND ISSUES: The county is eligible to receive funding to recoup cost in categories A (Debris Removal), B (Emergency Response), and E (equipment). We are currently working on the project work sheets with FEMA and GEMA

OPTIONS:

RECOMMENDED SAMPLE MOTION: Recommend BOC approval for chairman to sign Designation of Applicant's Agent Resolution and Sub-grantee agreement.

DEPARTMENT: ESA

Prepared by: Billy Thurmond

Director Billy Thurmond

PUBLIC ASSISTANCE ALTERNATIVE PROCEDURES PILOT PROGRAM FOR DEBRIS REMOVAL



FEMA

Frequently Asked Questions

On January 29, 2013, President Obama signed into law the Sandy Recovery Improvement Act of 2013 (P.L. 113-2). This law amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to include Section 428, which authorized alternative procedures for the Public Assistance (PA) Program for debris removal. Section 428 authorizes the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) to implement the alternative procedures through a pilot program.

This document provides answers to frequently asked questions regarding the alternative procedures for debris removal. For additional information, refer to the *Public Assistance Alternative Procedures Pilot Program Guide for Debris Removal*.

General

1. What are the alternative procedures for debris removal?

Section 428 authorized the following alternative procedures for debris removal:

- Accelerated Debris Removal – Increased Federal Cost Share (Sliding Scale)
- Recycling Revenues
- Straight-Time Force Account Labor
- Debris Management Plan and one (1) or more Pre-Qualified Contractor(s)

FEMA is not currently implementing the alternative procedures for fixed estimate grants and use of excess funds for debris removal as part of this pilot program.

2. Is it optional for the subgrantee to participate in the alternative procedures for Debris Removal?

Yes. Participation in the alternative procedures is voluntary.

3. Can a subgrantee elect which alternative procedures it would use?

Subgrantees may elect to use one or more of the procedures for their debris removal projects. Utilizing multiple alternative procedures is allowed, but not required for any given debris removal project.

4. How long will the alternative procedures be available?

The program will remain in place through June 27, 2015, at which point FEMA will determine whether to extend it for an additional performance period.

**PUBLIC ASSISTANCE
ALTERNATIVE PROCEDURES
PILOT PROGRAM FOR DEBRIS REMOVAL**



FEMA

5. How can a subgrantee request participation in the alternative procedures?

The subgrantee must notify the grantee and FEMA of its intent to participate in the alternative procedures by signing and submitting the *Public Assistance Alternative Procedures Pilot Program for Debris Acknowledgement* before obligation of its first subgrant for debris removal or within 60 days of the Kickoff Meeting, whichever occurs earlier.

6. Can a subgrantee rescind its request to participate in the alternative procedures for debris removal?

Yes. If the subgrantee wishes to rescind its participation in one or more of the alternative procedures, and none of its subgrants for debris removal have been obligated, it must provide FEMA written notification within 60 days of the Kickoff Meeting. Once the subgrantee's first subgrant for debris is obligated or the 60 days after the Kickoff meeting have passed, the subgrantee may not alter its decision regarding participation in the alternative procedures.

7. Do the alternative procedures apply to both small and large projects?

For disasters declared between June 28, 2013, and June 27, 2014, the alternative procedures apply only to large projects with the exception of the Straight-Time Force Account Labor Procedure, which applies to both small and large projects. For disasters declared on or after June 28, 2014, all of the alternative procedures apply to both small and large projects.

8. How will FEMA obligate project costs with different federal cost share percentages?

FEMA will prepare versions to a project for each time period associated with a change to the federal cost share.

9. Is Direct Federal Assistance (DFA) for debris removal available to be used in conjunction with the alternative procedures?

DFA is not authorized in conjunction with the Accelerated Debris Removal Procedure. If DFA is authorized under the declaration, the grantee (on behalf of the subgrantee) may request DFA in conjunction with other alternative procedures.

PUBLIC ASSISTANCE ALTERNATIVE PROCEDURES PILOT PROGRAM FOR DEBRIS REMOVAL



FEMA

Accelerated Debris Removal - Increased Federal Cost Share (Sliding Scale)

10. What is the Accelerated Debris Removal Procedure?

The Accelerated Debris Removal Procedure is an increase in the federal cost share based on completion of debris removal work within the following timelines:

Debris Removal Completed (Days from Start of Incident Period)	Federal Cost Share
0-30	85%
31-90	80%
91-180	75%
No federal dollars for debris removal after 180 days (unless an extension is granted by FEMA)	

11. Under what circumstances will FEMA grant a time extension beyond 180 days?

FEMA grants time extensions based on extenuating circumstances or unusual project requirements that are beyond a subgrantee's control.

Recycling Revenues

12. Can the subgrantee retain revenues generated through recycling of eligible disaster-related debris?

Yes. The subgrantee may retain the revenue when used to:

- meet the non-federal cost sharing requirements of PA Program funding for debris removal;
- develop comprehensive disaster preparedness and assistance plans, programs, and capabilities;
- conduct activities that reduce the risk of future damage, hardship or suffering from a major disaster or emergency; or
- conduct activities to improve future debris removal operations or planning .

13. Is there a deadline to use the revenue?

Yes. Funds should be used prior to the period of performance deadline to complete the debris removal activities.

**PUBLIC ASSISTANCE
ALTERNATIVE PROCEDURES
PILOT PROGRAM FOR DEBRIS REMOVAL**



FEMA

14. What are the subgrantee's requirements for notifying the grantee regarding receipt and use of recycling revenue?

The subgrantee should provide documentation of any revenue received no later than 30 days after completion of the debris removal operation, to include the quantity and types of debris recycled. The subgrantee should provide a detailed accounting of how the funds were used no later than 90 days after the period of performance deadline.

15. Is the cost of establishing and managing a recycling program or process eligible for PA Program funding?

No. The cost of establishing and managing a recycling program or process cannot be claimed as a direct project cost on the debris removal subgrant.

16. Is the cost of collecting, sorting, processing and transporting disaster debris to a recycling facility eligible?

The costs for collecting, sorting, processing and transporting disaster debris, including recyclable materials, may be eligible. However, costs related to additional sorting, processing and transporting debris for the purpose of recycling is not eligible.

Straight-Time Force Account Labor

17. What types of personnel are eligible for straight-time force account labor?

Straight-time is eligible for the labor of budgeted employees and extra hires who are engaged in eligible debris removal operations. Straight-time eligibility can also apply to salaried and exempt employees. The salary must be comparable to labor rates for similar types of work.

18. Is straight-time force account labor eligible for other emergency work activities?

No. Straight-time force account labor is only eligible for debris removal under these alternative procedures.

19. Does reimbursement of straight-time force account labor include associated fringe benefits?

Yes. Straight-time fringe benefits are eligible for reimbursement.

20. What documentation does FEMA require for reimbursement of straight-time force account labor?

The subgrantee should document all costs related to the work performed, including, but not limited to, the specific activities performed by each employee, volume and type of debris removed, employee rates, and breakdown of fringe benefits. Documentation should differentiate overtime versus straight-time work and costs.

PUBLIC ASSISTANCE ALTERNATIVE PROCEDURES PILOT PROGRAM FOR DEBRIS REMOVAL



FEMA

Debris Management Plans

21. What are the requirements that a subgrantee must meet for the one-time two percent incentive?

The subgrantee must have a FEMA accepted Debris Management Plan and have identified one (1) or more pre-qualified debris removal contractor(s) before the date of the declaration's incident period. The adjustment is applied to debris removal work completed within 90 days from the first day of the incident period. Once a subgrantee utilizes this incentive, it is not available to the same subgrantee in a subsequent declaration during the course of the pilot program.

22. If FEMA reviewed a Debris Management Plan prior to the implementation of the Alternative Procedure Pilot Program for Debris Removal, must a jurisdiction re-submit its plan for review and acceptance to be eligible for the one-time two percent incentive?

Yes. The subgrantee should submit its plan to the grantee. The grantee will review and forward to FEMA for consideration. Prior to submission, the subgrantee should update its plan to incorporate any changes or additions.

23. What are the parameters of FEMA's review of a Debris Management Plan?

FEMA will ensure that the Debris Management Plan contains the basic components of a comprehensive plan that include at least the following planning elements:

- debris management overview
- events and assumptions
- debris collection and removal plan
- temporary debris management sites and disposal locations
- debris removal on private property
- use and procurement of contracted services
- use of force account labor
- monitoring of debris operations
- health and safety requirements
- environmental considerations and other regulatory requirements
- public information
- identify one (1) or more pre-qualified debris and wreckage removal contractors

Additional guidance is available in the Public Assistance Alternative Procedures - Debris Management Plan Review Job Aid.

24. By reviewing the Debris Management Plan, is FEMA committing to fund operations guided by the plan?

No. FEMA funding will be based on costs that are eligible under the PA Program.

**PUBLIC ASSISTANCE
ALTERNATIVE PROCEDURES
PILOT PROGRAM FOR DEBRIS REMOVAL**



FEMA

25. When a subgrantee has identified a pre-qualified contractor, does the applicant need to competitively bid a contract?

Yes, the subgrantee must still comply with 44 CFR Part 13. A pre-qualified contractor is not a contractor that has been awarded a contract. The importance of identifying pre-qualified contractors is to have qualified contractors that can readily bid on the debris removal project.

26. How can stand-by contracts with debris removal contractors meet the requirement of being “pre-qualified”?

The process to pre-qualify contractors requires that the subgrantee identify and evaluate contractors’ abilities to perform debris removal work (capabilities, bonding, insurance, availability, etc). If the subgrantee has signed a stand-by contract with debris removal contractors that meet the subgrantee’s qualification standards to perform debris removal work, FEMA would consider those contractors as pre-qualified. If the subgrantee utilizes the stand-by contract, federal reimbursement will be based on reasonable costs and compliance with the procurement requirements detailed in 44 CFR Part 13.

27. Can the one-time incentive of a two percent increased cost share adjustment be used in conjunction with the Accelerated Debris Removal – Increased Federal Cost Share (Sliding Scale) Procedure?

Yes. If the subgrantee has a Debris Management Plan that FEMA has accepted, has identified at least one (1) pre-qualified contractor and elects to utilize both procedures, FEMA will add an additional two percent to the incentive associated with the sliding scale for the first 90 days of debris removal operations.

Special Considerations

28. How will insurance proceeds be applied to subgrants processed using the alternative procedures?

Any insurance proceeds will be deducted from the subgrant, inclusive of any private property debris removal subgrants, in order to comply with Section 312 of the Stafford Act, which prohibits duplication of benefits.

29. Will FEMA review alternative procedures subgrants for compliance with environmental and historic preservation (EHP) laws, regulations, and executive orders?

Yes. FEMA must review alternative procedure subgrants for compliance with all applicable EHP requirements. This includes the use of revenues generated from recycling disaster-related debris. Any use of revenue for expenditures such as equipment or training would not require additional EHP review; however, should funds be applied for a project that involves ground disturbing activities would require EHP review prior to construction. Additionally, when applicable, subgrantee should provide documentation demonstrating compliance with the Resource Conservation and Recovery Act (RCRA).

**PUBLIC ASSISTANCE
ALTERNATIVE PROCEDURES
PILOT PROGRAM FOR DEBRIS REMOVAL**



FEMA

Grants Management, Closeout, and Appeals

30. When is a debris removal alternative procedures subgrant closed?

Debris removal alternative procedures subgrants are closed upon FEMA's receipt of a detailed accounting of the work performed and the grantee's certification that the subgrantee completed the approved scope of work.

31. Can a subgrantee submit an appeal for a debris removal alternative procedures subgrant?

Yes. A subgrantee may appeal any determination that FEMA makes during the subgrant approval and obligation process. A subgrantee may appeal changes that are made to an alternative procedures subgrant following an audit.

APPENDIX - A

Public Assistance Alternative Procedures Pilot Program for Debris Removal Acknowledgement

In accordance with the Sandy Recovery Improvement Act of 2013, the Federal Emergency Management Agency (FEMA) is implementing alternative procedures for the Public Assistance (PA) Program through a pilot program.

As a representative of the Subgrantee, we elect to participate in the following:

- Accelerated debris removal - increased federal cost share (sliding scale)
 - Recycling Revenue (Subgrantee retention of income from debris recycling without a grant offset)
 - One-time incentive for a FEMA-accepted debris management plan and identification of at least one pre-qualified contractor
 - Reimbursement of straight time force account labor costs for debris removal
1. The pilot is voluntary, and the Subgrantee must apply the selected alternative procedures to all of its debris removal subgrants.
 2. For the sliding scale, the Subgrantee accepts responsibility for any costs related to debris operations after six months from the date of the incident unless, based on extenuating circumstances, FEMA grants a time extension.
 3. The Subgrantee acknowledges that FEMA may request joint quantity evaluations and details regarding Subgrantee operations necessary to assess the pilot program procedures.
 4. All contracts must comply with local, State, and Federal requirements for procurement, including provisions of 44 CFR Part 13.
 5. *The Subgrantee must comply with all Federal, State and local environmental and historic preservation laws, regulations, and ordinances.*
 6. The Office of Inspector General may audit any Subgrantee and/or subgrant.
 7. Once a subgrant is awarded/obligated using a debris removal alternative procedure, the subgrant cannot revert back to standard program procedures.

Signature of Subgrantee's Authorized Representative

Date

Printed Name and Title

Subgrantee Name

PA ID Number

- We elect to **not** participate in the Alternative Procedures for Debris Removal.

DESIGNATION OF APPLICANT'S AGENT

RESOLUTION

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DAWSON COUNTY
(Governing Body) *(Public Entity)*

THAT MIKE BERG, CHAIRMAN
(Name of Incumbent) *(Official Position)*

OR

ALTERNATE: CINDY CAMPBELL, COUNTY MANAGER, Governor's Authorized Representative,
is hereby authorized to execute for and in behalf of DAWSON COUNTY, a
public entity established under the laws of the State of GEORGIA, this application
and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the
Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief
Fund.

THAT DAWSON COUNTY, a public entity established under the laws of the
State of GEORGIA, hereby authorizes its agent to provide to the State
and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster
assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 21st day of May, 20 15.

(Name and Title)

(Name and Title)

(Name and Title)

CERTIFICATION

I, DANIELLE YARBROUGH, duly appointed and COUNTY CLERK of
(Title)
DAWSON COUNTY, do hereby certify that the above is a true and correct copy of a

resolution passed and approved by the BOARD OF COMMISSIONERS of DAWSON COUNTY
(Governing Body) *(Public Entity)*

on the 21st day of May, 20 15.

Date: _____

(Official Position)

(Signature)

* Name of incumbent need not be provided in those cases where the governing body of the public entity desires to
authorize any incumbent of the designated official position to represent it.

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

Backup material for agenda item:

5. Approval to move forward with public hearings regarding the Social Hosting Ordinance on June 4, 2015 and June 18, 2015



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST

All items requiring action by the Commissioners must be presented first at a work session. The following information should be provided for each item.

No item will be considered for a work session until the Department has received authorization on the item by the County Manager.

Form must be submitted to the County Clerk 10 days prior to the meeting date.

Department: County Attorney

Presenter: County Attorney Joey Homans

Submitted By: County Attorney Joey Homans

Date Submitted: 04/27/2015

Item of Business/Agenda Title: Presentation of the Social Hosting Ordinance

Attach an Executive Summary fully describing all elements of the item of business. (Attached)

THE ITEM IS FOR:

Work Session presentation only
(no action needed)

OR **Commission Action Needed.**

Is there a deadline on this item? If so, Explain: _____

Purpose of Request: Seek approval to move forward with public hearings on the Ordinance Regulating Social Hosting and Consumption of Alcoholic Beverages by Minors; To Provide for Penalties; To Repeal Conflicting Ordinances; To Provide for Severability; And For Other Purposes

Department Recommendation: _____

If the action involves a Resolution, Ordinance, Contract, Agreement, etc. has it been reviewed by the County Attorney?

Yes Explanation/ Additional Information: _____

No

If funding is involved, are funds approved within the current budget? **If Yes, Finance Authorization is Required Below.**

Yes Explanation/ Additional Information: _____

No

Amount Requested: _____ Amount Budgeted: _____

Fund Name and Account Number: _____

Administration Staff Authorization

Dept. Head Authorization: _____ Date: _____

Finance Dept. Authorization: DENA BOSTEN Date: 05/06/2015


County Manager Authorization: CINDY CAMPBELL Work Session Date: 05/14/2015

Comments: _____

Fox, Chandler, Homans, Hicks & McKinnon, L.L.P.
Memorandum

To: Chairman and Board of Commissioners

Date: May 13, 2015

From: Joey Homans 

Re: Social Host Ordinance

Chairman and Commissioners,

Ted will appear before you on May 14. I will be out of town. I am providing you this memorandum regarding the Social Host Ordinance.

Representatives from Family Connection presented Mike and then me with a request to consider a social host ordinance. Family Connection worked with Judy Brownell and her husband, Bill. Bill is an attorney in private practice and was previously in the District Attorney's Office with me in the late 80s.

The issue was presented by Family Connection and Bill that the existing state statutes do not cover the situation addressed by the social host ordinance.

O.C.G.A. § 16-12-1 (contributing to the delinquency of a minor) disallows causing or encouraging a minor to commit a delinquent act such as drinking alcohol. However, that statute does not apply if a person knows that property over which the person has control will be frequented by a group of underage persons for a party or to drink alcohol if the person does not cause or encourage the underage persons to drink alcohol.

O.C.G.A. § 3-3-23 prohibits furnishing or causing to be furnished an alcoholic beverage to any person under the age of 21. However, if a person does not directly provide or cause someone else to directly provide alcohol to a person under 21, then the person does not violate O.C.G.A. § 3-3-23.

Neither Bill nor any person with Family Connection referenced O.C.G.A. § 51-1-18. O.C.G.A. § 51-1-18 provides that a parent maintains a private civil right of action against any person who sells or furnishes alcoholic beverages to the parent's underage child for the child's use without the permission of the child's parent. O.C.G.A. § 51-1-18 permits the parent to sue any person who sells or furnishes alcoholic beverages to the underage child for the child's use for any damages that the child may sustain as a result of drinking alcohol.

The social host ordinance places responsibility upon any person who knows or reasonably should know that five (5) or more persons under the age of 21 will have a party (gathering) upon that person's property and that alcoholic beverages will be present. The number of five (5) persons (at least 1 of which is underage) is not set forth in any statute and may be changed if you deem appropriate.

May 13, 2015
Page 2

I discussed the ordinance with Sheriff Carlisle, and Sheriff Carlisle states that the ordinance will provide deputies with an additional option to address terminating a function if necessary.

The ordinance will be enforced as a county ordinance; therefore, the Marshal will issue any citation and present the matter in magistrate court if necessary. However, deputies may provide information to the Marshal if the deputy relies upon the ordinance during a time that the Marshals are not on duty, such as the weekend.

Joey

**AN ORDINANCE OF
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY**

**REGULATING SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC
BEVERAGES BY MINORS; TO PROVIDE FOR PENALTIES; TO REPEAL
CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR
OTHER PURPOSES**

WHEREAS, O.C.G.A. § 3-3-23 prohibits furnishing or causing to be furnished any alcoholic beverage to any person under 21 years of age; and

WHEREAS, O.C.G.A. § 51-1-18 provides that parents have a right of action against any person who sells or furnishes alcoholic beverages to that parent's underage child for the child's use without the permission of the child's parent; and

WHEREAS, the purpose of these two (2) statutes is to prevent the furnishing of alcoholic beverages to underage children absent parental consent; and

WHEREAS, the Board of Commissioners deems this ordinance appropriate to protect the public health, safety, and welfare by further deterring underage drinking.

NOW, THEREFORE, the Board of Commissioners hereby adopts this ordinance as follows:

SECTION 1. Definitions.

- A. An "alcoholic beverage" means alcohol, distilled spirits, liquor, beer, malt beverage, wine and fortified wine.
- B. A "gathering" is defined as the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.
- C. A "social host" is a person who:
- (1) knows or reasonably should know that a gathering will occur on property owned or controlled by that person;
 - (2) knows or reasonably should know that alcoholic beverages will be at the gathering; and
 - (3) knows or reasonably should know that one or more underage person will be present at the gathering.
- D. An "underage person" is any person under the age of 21 years.

SECTION II. Prohibited Activities and Duties of Social Host.

- A. No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- B. Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.
- C. If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

SECTION III. Penalties.

- A. Any person who violates this ordinance shall be punished by a fine of up to one thousand dollars (\$1,000.00) and shall be required to perform not less than 24 hours of community service for the first offense.
- B. Any person who violates this ordinance a second time within one (1) year shall be punished by a fine of at least \$500.00 and up to \$1,000.00 and shall be required to perform not less than 48 hours of community service.
- C. Any person who violates this ordinance a third or subsequent time with two (2) years shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

SECTION IV. Exceptions.

- A. This ordinance shall not apply to conduct solely between an underage person and his or her parent while present in the parent’s household.
- B. This ordinance shall not apply to any situation for which state or federal law establishes an exception or exemption.

SECTION V. Repealer.

All resolutions or ordinances or parts of resolutions or ordinances and any part of the Dawson County Code of Ordinances currently in effect in conflict with the terms of this ordinance are hereby repealed, but any resolution or ordinance that may be

applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof is hereby adopted as a part hereof.

SECTION VI. Severability.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provision of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the Ordinance not held to be invalid, nor shall the application of the Ordinance to other circumstances be held invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts that are not held invalid.

Approved this ____ day of _____, 2015

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST:

By: _____
**Mike Berg, Chairman
Dawson County Commission**

By: _____
Danielle Yarbrough, County Clerk

Approved:

**Billy Carlisle
Dawson County Sheriff**

Dates of Public Hearings:

Dates of Advertisements:

Vote: _____ Yes

_____ No

Backup material for agenda item:

6. Approval of Tax Levy Resolution

TAX LEVY RESOLUTION

WHEREAS, pursuant to a bond resolution adopted on March 31, 2015 and a Supplemental Bond Resolution adopted on May 11, 2015 (collectively, the "Bond Resolution"), the Board of Education of Dawson County (the "Board of Education"), as managing and controlling body of the Dawson County School District (the "District"), a political subdivision of the State of Georgia, authorized the issuance of general obligation bonds of the District in the aggregate principal amount of \$15,000,000 (the "Bonds" or the "Series 2015 Bonds"), for the purpose of providing funds to the District to pay or to be applied toward the cost of (i) adding to, renovating, repairing, improving, and equipping existing school buildings and school system facilities, (ii) acquiring and/or improving land for school system facilities, (iii) acquiring miscellaneous new equipment, fixtures and furnishings for the school system, including technology equipment, tablets and laptops, and safety and security equipment, (iv) acquiring school buses and other vehicles, transportation and maintenance equipment, (v) acquiring books, digital resources, and other media for the school system, (vi) and constructing and equipping new classroom space including a performing arts center at Dawson County High School, and (vii) paying expenses incident to accomplishing the foregoing; and

WHEREAS, the Board of Education, being charged with the duty of managing the affairs of the District, has determined that in order to pay the principal of and the interest on the Bonds as the same become due and payable, whether by maturity, redemption or otherwise, to the extent such principal and interest is not satisfied from the proceeds of the 1% sales and use tax for educational purposes on all sales and uses in Dawson County, Georgia ("Sales and Use Tax"), approved in the election held on March 17, 2015, and to the extent such interest on the Bonds is not satisfied from the construction fund for the Bonds, it is necessary that there be levied an annual tax upon all the taxable property in said District sufficient to raise the amounts set forth below in each of the calendar years preceding the calendar years set forth below; and

WHEREAS, proper certificates and recommendations have been made that a direct annual tax for such purposes be made in the amounts and for the years hereinafter stated; and

WHEREAS, it is necessary that a tax be levied for the purpose of paying the principal of and interest on the Bonds due in each year, whether by maturity, redemption or otherwise, to the extent such principal and interest is not satisfied from the proceeds of the Sales and Use Tax and to the extent such interest on the Bonds is not satisfied from the construction fund to be created with the proceeds of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dawson County, and it is hereby resolved by authority of same, that there shall be and is hereby levied upon all the taxable property in the District, which comprises all of Dawson County, a direct annual tax sufficient to raise in each of the calendar years preceding the calendar years set forth below the sums set forth below in order to pay the principal of and interest on the Series 2015 Bonds as follows:

Date	Principal	Interest	Total P&I
2/1/2016	\$ --	\$ 447,255	\$ 447,255
8/1/2016	--	331,300	331,300
2/1/2017	--	331,300	331,300
8/1/2017	2,790,000	331,300	3,121,300
2/1/2018	--	261,550	261,550
8/1/2018	2,875,000	261,550	3,136,550
2/1/2019	--	218,425	218,425
8/1/2019	2,990,000	218,425	3,208,425
2/1/2020	--	158,625	158,625
8/1/2020	3,110,000	158,625	3,268,625
2/1/2021	--	80,875	80,875
8/1/2021	<u>3,235,000</u>	<u>80,875</u>	<u>3,315,875</u>
Total	\$15,000,000	\$2,880,105	\$17,880,105

Said several sums are hereby irrevocably pledged and appropriated to the payment of the principal and interest on the Bonds as the same become due and payable, whether by maturity, redemption or otherwise, all to the extent such principal and interest is not satisfied from the proceeds of the Sales and Use Tax and to the extent such interest on the Bonds is not satisfied from the construction fund created with the proceeds of the Bonds.

The said several sums shall be collected by the Tax Commissioner of Dawson County in each of said years, and shall be annually paid into a fund to be maintained for and applied to the payment of principal and interest on the Bonds when due and provisions to meet the requirements of this paragraph shall be made annually thereafter, upon receipt of an annual certificate from the Board of Education certifying the rate of tax levy (if any) necessary to pay such debt service on the Bonds.

BE IT FURTHER RESOLVED by the authority aforesaid that all orders and resolutions in conflict with this resolution are hereby repealed.

Adopted by the Board of Commissioners of Dawson County, Georgia, this 21st day of May, 2015.

**DAWSON COUNTY BOARD OF
COMMISSIONERS**

By: _____
Chairman, Board of Commissioners
of Dawson County

Attest: _____
Clerk of the Board of
Commissioners of Dawson County

(SEAL)

CLERK'S CERTIFICATE

GEORGIA, DAWSON COUNTY

I, _____, Clerk of the Board of Commissioners of Dawson County, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Dawson County in a public meeting duly assembled on the 21st day of May, 2015, and that the said resolution is of full force and effect and has been duly entered of record in the minutes of said Board, which are in my custody.

WITNESS my official signature and the seal of said Board of Commissioners, this 21st day of May, 2015.

Clerk of the Board of Commissioners of
Dawson County

(SEAL)