

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA – THURSDAY, JUNE 4, 2020
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
4:00 PM**

NEW BUSINESS

1. Presentation of Georgia Department of Transportation / Federal Transit Administration 5311 - FY 2020-2021 Coronavirus Aid, Relief, and Economic Security Act Supplemental Agreement No. 1- Senior Services Director Dawn Pruett
2. Presentation of Land Use Resolution Update to Residential Agriculture Lot Size Requirement- Planning & Development Director Jameson Kinley
3. Presentation of Dawson County Minimum Standard Code Amendment to Include Mobile / Manufactured Homes- Planning & Development Director Jameson Kinley
4. Presentation of Appointment of the Building Official as the Local Government Agent for the Purposes Defined in the Abandoned Mobile Home Act- Planning & Development Director Jameson Kinley
5. Presentation of Updated Planning Commission Terms- Planning & Development Director Jameson Kinley
6. Presentation of Board Appointments:
 - a. Avita Community Partners**
 - i. Angelia Brown- *reappointment* (July 2020 through June 2023)
 - b. Department of Family & Children Services**
 - i. Tina Brady- *reappointment* (July 2020 through June 2025)
7. County Manager Report
8. County Attorney Report

****A Voting Session meeting will immediately follow the Work Session meeting.***

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Senior Services-Transit

Work Session: 6-4-2020

Prepared By: Dawn Pruett

Voting Session: 6-4-2020

Presenter: Dawn Pruett

Public Hearing: Yes _____ No X

Agenda Item Title: Request for FTA 5311 – FY20-21 Cares Act Supplemental Agreement #1 Approval and Ratify

Background Information:

Supplemental Agreement No. 1 additional federal funding to our transit program for \$384,680.

Current Information:

See attached agreement.

Budget Information: Applicable: Not Applicable: Budgeted: Yes X No _____

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|------------|--------|---------|-----------|-----------|
| 250 | 5540 | 331150-021 | | | | |

Recommendation/Motion: Approve FY2021 GDOT/FTA Section 5311 Transit Contract and Ratify.

Department Head Authorization: Dawn Pruett

Date: 5-28-2020

Finance Dept. Authorization: Vickie Neikirk

Date: 5/28/20

County Manager Authorization: DH

Date: 05/28/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

2



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
(404) 631-1990 Main Office

May 22, 2020

The Honorable Billy Thurmond, Chairman
Dawson County Board of Commissioners
25 Justice Way Suite 2313
Dawsonville, GA 30534

In Re: FTA 5311 – FY 20-21 CARES ACT SUPPLEMENTAL AGREEMENT #1
Project Number – T006336
Supplemental Amount- \$384,680.00

Dear Chairman Thurmond:

Enclosed for execution by Dawson County is an electronic supplemental agreement for FY 2020-2021 – CARES Act funding under the FTA 5311 Rural Program. The project contains 100% federal funds in the amount of \$384,680.00 for operating assistance only.

This supplemental agreement should be executed by your governing board/commissioner no later than **June 15, 2020**.

Instructions on how to complete the electronic SA have been attached for your convenience. Please refer to these instructions as needed to complete the electronic process.

After the SA has been fully executed, the Department will issue an electronic notification indicating the SA process has been completed along with a copy of the executed supplemental. The supplemental is not valid until your agency receives a written "Notice to Proceed" from GDOT's Intermodal office. *Dawson County must comply with all applicable FTA regulations, policies, procedures and directives, specifically CFR 4220.1F as it relates to third-party contracting and procurement.*

If you have further questions, please do not hesitate to contact Zina Pruna-Franklin, your Project Manager at 770-533-8971.

Sincerely,

A handwritten signature in black ink, appearing to read 'LAT', is placed over a light gray rectangular background.

Leigh Ann Trainer
Transit Program Manager

LAT:tf
Enclosures

ELECTRONIC CONTRACT PROCESSING INSTRUCTIONS
Transit Program Subrecipient Contracts

Step 1

The Department will send via email the electronic contract to [Reviewer #1] for review. Once [Reviewer #1] has reviewed the document, the contract will automatically forward to the Chairperson, Mayor, Executive Director, Sole Commissioner, or City Manager's office for signature & county/city seal. Once the authorized official's signature & seal has been loaded onto the pages, the system will prompt to select **"adopt and sign"** then **"finish"**. The system will automatically send the contract to the designated witness for signature.

Step 2

Once the designated witness has signed, the system will then automatically send the contract to the Notary to upload his/her signature and notary seal to complete the agreement. The signature and seal will have to be on a single line. **NOTE: To save the signature and seal, take a white sheet of paper, sign it and affix the seal adjacent to the signature. Scan the signature and seal and save to the desktop or take a picture of the signature and seal using a cell phone camera and send to email to save on desktop. The County/City "Seal" is required on this document.**

NOTE: PLEASE REMEMBER TO CROP SIGNATURE WITH SEAL

Step 3

Next, the system will give an option to **"upload"** the signature and the county/city "Seal." The signature and county/city seal have to be uploaded together, as one document, and will need to be in a .jpeg or .bmp format. **A .pdf format is not acceptable.** Once the signature and seal have been uploaded successfully, the system will prompt to select **"adopt and sign"** then **"finish."**

To assist you further, there is also an instructional video on how to upload the County/City Seal. Please use this link to view:

<http://www.dot.ga.gov/PS/Training/ElectronicSignature>

Step 4

Once the signatures and seals have been successfully uploaded, the contract will be electronically returned to GDOT to complete the execution process.

If there are any questions or if clarification is needed, please call our office BEFORE selecting "Adopt and Sign." There is a "Cancel" button to select that will allow the contract to be saved for later. Selecting "Adopt and Sign" before the signature and seal is attached will cause the contract to be "rejected" and the entire electronic contract signing process will have to be started again from the beginning.

SUPPLEMENTAL AGREEMENT NO. 1
FOR
SECTION 5311- TRANSIT OPERATING AND CAPITAL ASSISTANCE

BETWEEN

GEORGIA DEPARTMENT OF TRANSPORTATION

AND

DAWSON COUNTY BOARD OF COMMISSIONERS

PID – T006336

This SUPPLEMENTAL AGREEMENT is made and entered into this ____ day of _____ 2020, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter referred to as the "DEPARTMENT", and DAWSON COUNTY, hereinafter called the "SPONSOR" (collectively called "THE PARTIES").

WHEREAS, the DEPARTMENT and the SPONSOR heretofore on AUGUST 03, 2019, entered into an Agreement, hereinafter called the "ORIGINAL CONTRACT", whereby the DEPARTMENT agreed to provide SPONSOR with Section 5311 Funds of the Federal Transit Act to make available transportation services in SPONSOR’S non-urbanized area;

WHEREAS, since the PARTIES entered into the ORIGINAL CONTRACT, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) (Pub. L. 116–136) was enacted by the federal government on March 27, 2020, authorizing more than \$2 trillion in financial relief to mitigate the adverse economic effects resulting from the worldwide public health emergency caused by Coronavirus Disease 19 (“COVID-19”);

WHEREAS, an allocation of funding has been designated by the Federal Transit Administration (“FTA”) for the SPONSOR under the CARES Act (“ALLOCATION”) to be made available by the DEPARTMENT for SPONSOR’S use to reimburse eligible transportation costs;

WHEREAS, SPONSOR also has submitted a grant application for Section 5311 Funds for fiscal year 2021 for which this ALLOCATION may be used;

WHEREAS, the DEPARTMENT seeks to provide the SPONSOR with this ALLOCATION through a written agreement supplementing the ORIGINAL CONTRACT

detailing terms and conditions of use and making other minor modifications to the ORIGINAL AGREEMENT;

WHEREAS, pursuant to O.C.G.A. §§ 32-9-1 and 32-9-2, the DEPARTMENT is authorized to participate in such an undertaking;

WHEREAS, this SUPPLEMENTAL AGREEMENT further seeks to make other minor amendments to the existing ORIGINAL CONTRACT; and,

NOW THEREFORE, THE PARTIES HERETO mutually agree that for and in consideration of the mutual benefits to flow from each other to the other, the ORIGINAL CONTRACT is hereby modified as follows:

1. ARTICLE VIII, COMPENSATION, of the ORIGINAL CONTRACT shall be amended as follows:

a) New Paragraph E shall be added to provide as follows:

E. CARES Act Funding -

(1) The ALLOCATION made by the DEPARTMENT to the SPONSOR through this Supplemental Agreement shall be subject to the following terms:

A. Operating Assistance

(1) It is understood and agreed that the total estimated eligible net Operating Assistance is the difference between eligible operating expenses and eligible revenues, as defined in FTA Circular 9040.1G for the provision of operating assistance as shown, if any, in EXHIBIT A.1– Section 1, as attached hereto and made a part of this Supplemental Agreement as if fully set out herein, is THREE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED EIGHTY and 00/100 Dollars (\$384,680.00). For the purposes of the DEPARTMENT'S participation in the costs by the SPONSOR, it is agreed that the DEPARTMENT'S maximum obligation for the SPONSOR'S operating assistance program shall be THREE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED EIGHTY and 00/100 Dollars (\$384,680.00), which includes the administrative and operating costs, as established in EXHIBIT A.1– Section 1.

- (2) If the total estimated eligible net project cost of the SPONSOR'S public transportation service for the operating period beginning **January 20, 2020 and ending June 30, 2021**, as reflected in the final audit, is less than THREE HUNDRED EIGHTY-FOUR THOUSAND SIX HUNDRED EIGHTY and 00/100 Dollars (\$384,680.00), then the DEPARTMENT shall be required to pay one hundred percent (100%) of the total incurred direct administrative and operating costs.
- (3) It is further understood and agreed that any line item shown in the SUPPLEMENTAL PROJECT SUMMARY may be increased or decreased without the execution of a further Supplemental Agreement, provided that the DEPARTMENT'S total maximum obligation under this Supplemental Agreement is not changed, if said change is requested in writing by the SPONSOR and approved in writing by the DEPARTMENT.

B. Capital Acquisitions

- (1) It is understood and agreed that the total estimated eligible net Capital project cost is ZERO and 00/100 Dollars (\$0.00), as shown, if any, in EXHIBIT A.1–Section 2 and EXHIBIT A.1-Section 3, which is attached and incorporated as if fully set out herein. The DEPARTMENT'S participation in the acquisition cost of said improvements shall be ZERO and 00/100 Dollars (\$0.00), which includes funding provided at one hundred percent (100%) of the total estimated cost of the PROJECT. The DEPARTMENT shall be responsible for the purchase of or participate in the purchase of said improvements.
- (2) The period of performance for eligible capital projects (VEHICLES ONLY) will begin **January 20, 2020 and end December 31, 2021**. The period of performance for eligible capital projects (SMALL CAPITAL ONLY) will begin **January 20, 2020 and end June 30, 2021**.
- (3) It is further agreed that the DEPARTMENT'S obligation for the purchase of the aforementioned improvement shall not exceed the sum of ZERO and 00/100 Dollars (\$0.00). However, if the sum total of the actual cost in acquiring the improvements shall be less than ZERO and 00/100 Dollars (\$0.00), the DEPARTMENT shall be obligated to pay one hundred percent (100%) of the actual cost.

C. Departmental Obligations

The DEPARTMENT'S maximum obligation, \$384,680.00, as set forth above is funded by the FTA. No entity of the State of Georgia other than the DEPARTMENT has any obligations to the SPONSOR related to this project. This agreement does not obligate the DEPARTMENT to make any payment to the SPONSOR from any funds other than those made available to the DEPARTMENT from the FTA. The obligation of the DEPARTMENT to pay or reimburse the SPONSOR is expressly limited to the amount of funds remitted to the DEPARTMENT by the FTA. Payments of invoices will be contingent upon the receipt of funds from the FTA, and therefore the DEPARTMENT does not make any commitment to the SPONSOR as to the timing of when payment to the SPONSOR will be made. In the event the funds made available to the DEPARTMENT by the FTA are insufficient for the project, the DEPARTMENT's payment obligations shall not exceed the availability of such FTA funds, and the DEPARTMENT shall have the right at its sole discretion to terminate this agreement immediately upon notice to the SPONSOR without further obligation of the DEPARTMENT.

- (2) This ALLOCATION may be used by SPONSOR for reimbursement of eligible Operating Assistance, Capital Expenditures, and Mobility Management Costs incurred by SPONSOR to maintain transit service and lost revenue due to the coronavirus public health emergency, including, but not limited to, the purchase of personal protective equipment, and payment of administrative leave of operations personnel due to reductions in service. This ALLOCATION is being provided at a 100% federal share for which no local match is required by SPONSOR or the DEPARTMENT and shall be available to use for eligible transit program expenses as set forth in this SUPPLEMENTAL AGREEMENT.
- (3) No repayment of any or all of this ALLOCATION shall be required by the SPONSOR if the ALLOCATION is used in conformity with the CARES Act, other applicable federal laws and regulations, applicable FTA program requirements, and the terms of this AGREEMENT.
- (4) Except as may be otherwise expressly provided for herein, the provisions set forth the Articles of which the ORIGINAL CONTRACT is comprised shall be adhered to by the

SPONSOR in utilizing and accounting for the ALLOCATION made through this SUPPLEMENTAL AGREEMENT.

- (5) Within 120 days after December 31, 2021, SPONSOR shall provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/> . SPONSOR shall provide the completed audit to the FTA and/or DEPARTMENT as may be requested.
- (6) In the event that other sources of COVID-19 relief funds become available to the SPONSOR, nothing in this AGREEMENT shall be construed to prohibit SPONSOR from availing itself to any such funds; provided, however, SPONSOR shall not seek ALLOCATION funding reimbursement through the DEPARTMENT for expenses that have been or will be reimbursed to SPONSOR under any other source, including, but not limited to other federal, state or local programs and insurance.

2. ARTICLE XIV, COMPLIANCE WITH APPLICABLE STATE LAWS, of the ORIGINAL AGREEMENT shall be modified to provide for the addition of the following new Paragraphs H and I:

- H. It is FURTHER AGREED that the SPONSOR shall comply and shall require its contractors, subcontractors and consultants to comply with the requirements of the State of Georgia's Sexual Harassment Prevention Policy as described in Exhibit J which is hereby made a part of this Agreement as if fully set out herein.
- I. The SPONSOR agrees that it will comply with the State Management Plan and any other guidance that the Department may promulgate from time to time

3. ARTICLE XV, COMPLIANCE WITH APPLICABLE FEDERAL TRANSIT ADMINISTRATION REQUIREMENTS, of the ORIGINAL AGREEMENT shall be modified to provide for the addition of the following new Paragraph N:

- N. SPONSOR will comply with all applicable federal, state and local law and regulations in the execution of this AGREEMENT, as well as the terms and conditions required by FTA under the CARES Act and any rules and regulations promulgated thereto, and those

regulations and requirements included in the Federal Office of Management and Budget Uniform GRANT Guidance, 2 CFR Part 200, and any applicable provisions of the Hatch Act.

4. The Exhibits to the ORIGINAL CONTRACT shall be modified as follows:

- (A) EXHIBIT A, PROJECT SUMMARY, is hereby amended to add EXHIBIT A.1, SUPPLEMENTAL PROJECT SUMMARY, which EXHIBIT A.1 provides details represented by SPONSOR as the increased funding for SPONSOR'S FY2020 program, and SPONSOR'S FY2021 program expenditures;
- (B) EXHIBIT B, CERTIFICATION OF SPONSOR COMPLIANCE WITH STATE AUDIT REQUIREMENT, shall be stricken in its entirety and replaced with the attached Exhibit B reflecting an increased state audit requirement amount; and,
- (C) EXHIBIT J, CERTIFICATION OF COMPLIANCE WITH THE STATE OF GEORGIA'S SEXUAL HARASSMENT PREVENTION POLICY, shall be added as a new exhibit to the ORIGINAL CONTRACT.

Through this Supplemental Agreement, Exhibits A.1, B, and J are hereby made part of the ORIGINAL CONTRACT as if fully set forth therein.

Except as modified, changed, or amended by this SUPPLEMENTAL AGREEMENT, all the terms and conditions of the ORIGINAL CONTRACT shall remain in full force and effect. The covenants herein contained shall except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS THEREOF said parties have hereunto set their hands and affixed their seals
the day and year above first written.

DEPARTMENT OF TRANSPORTATION:

DAWSON COUNTY:

Commissioner (Seal)

BY: _____ (Seal)

Title: _____

ATTEST: _____
Treasurer

IN THE PRESENCE OF:

Witness

Federal Employment Identification

Number: _____

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 202__

Notary Public

My Commission Expires: _____

[NOTARY SEAL]

EXHIBIT A.1
PROJECT SUMMARY
DAWSON COUNTY
Project ID Number T006336
Period of Eligible Expenses : July 1, 2019 - January 19, 2020
FY2020 FTA 5311 Rural Transit Operating Assistance

| SECTION 1 | | | | | | | |
|---|--------------------------------------|--------------|--------------|---------------------|---------------------|------------------|---------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Total Cost | Federal Share (50%) | State Share (0%) | Local Share (50%) |
| 1 | Rural Transit Admin & Operating Cost | 300-A5 | 30.09.01 | \$265,494.00 | \$132,747.00 | \$0.00 | \$132,747.00 |
| Total Admin & Operating Cost | | | | \$265,494.00 | \$132,747.00 | \$0.00 | \$132,747.00 |

| Funding Distribution | | Fund Sources | FTA FAIN Number: GA-2019-009-00 | |
|---------------------------------------|---------------------|--------------|---------------------------------|-------------------|
| Federal (50%) | \$132,747.00 | 219IA | FTA Project: | GA-2019-009-01-00 |
| State (0%) | \$0.00 | N/A | FTA PO: | GA-18-X036 |
| Local (50%) | \$132,747.00 | 459IA | Federal Award Date: | 6/18/2019 |
| Total Estimated Operating Cost | \$265,494.00 | | | |

FY2020 FTA 5311 Rural Transit Capital Vehicles Purchases ONLY
Period of Eligible Expenses: July 1, 2019 - January 19, 2020

| SECTION 2 | | | | | | | | | |
|---------------------------|-------------|--------------|-----------------------------|-----|-----------|---------------|---------------------|-------------------|-------------------|
| Item | Description | SCOPE/SUFFIX | FTA Activity Line Item Code | Qty | Unit Cost | Total Cost | Federal Share (80%) | State Share (10%) | Local Share (10%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 2 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Capital Cost | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| Funding Distribution: | | Fund Sources | FTA FAIN Number: N/A | |
|-------------------------------|---------------|--------------|----------------------|-----|
| Federal (80%) | \$0.00 | N/A | FTA Project: | N/A |
| State (10%) | \$0.00 | N/A | FTA PO: | N/A |
| Local (10%) Deposited at GDOT | \$0.00 | N/A | Federal Award Date: | N/A |
| Total Project Cost | \$0.00 | | | |

FY2020 FTA 5311 Rural Transit Small Capital Assistance/Mobility Management
Period of Eligible Expenses: July 1, 2019 - January 19, 2020

| SECTION 3 | | | | | | | | | |
|----------------------------|-------------|--------------|--------------|-----|-----------|---------------|---------------------|-------------------|-------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Qty | Unit Cost | Total Cost | Federal Share (80%) | State Share (10%) | Local Share (10%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 2 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Other Capital | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| Funding Distribution | | Fund Sources | FTA FAIN Number: N/A | |
|---------------------------|---------------|--------------|----------------------|-----|
| Federal (80%) | \$0.00 | N/A | FTA Project: | N/A |
| State (10%) | \$0.00 | N/A | FTA PO: | N/A |
| Local (10%) | \$0.00 | N/A | Federal Award Date: | N/A |
| Total Project Cost | \$0.00 | N/A | | |

| T006336 | Amount |
|--|---------------------|
| Total Federal Cost - Operating, Capital Rolling Stock, & Other Capital | \$132,747.00 |
| Total State Cost - Capital Rolling Stock & Other Capital | \$0.00 |
| Total Local Cost - Operating | \$132,747.00 |
| Total Local Cost - Capital Rolling Stock & Other Capital | \$0.00 |
| Total Project Cost | \$265,494.00 |

| | |
|-------|-----------|
| CFDA: | 20.509 |
| DUNS# | 039486055 |

EXHIBIT A.1
PROJECT SUMMARY
DAWSON COUNTY
Project ID Number T006336

FTA 5311 CARES Act Operating Assistance
Period of Eligible Expenses: January 20, 2020 - June 30, 2020

| SECTION 1 | | | | | | | |
|---|--|--------------|--------------|---------------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | Rural Transit - Emergency Relief Operating | 300-A7 | 30.09.08 | \$119,186.00 | \$119,186.00 | \$0.00 | \$0.00 |
| Total Admin & Operating Cost | | | | \$119,186.00 | \$119,186.00 | \$0.00 | \$0.00 |

| | | | |
|---------------------------------------|---------------------|---------------------|--|
| Funding Distribution | | Fund Sources | |
| Federal (100%) | \$119,186.00 | 210CA | |
| State (0%) | \$0.00 | N/A | |
| Local (0%) | \$0.00 | N/A | |
| Total Estimated Operating Cost | \$119,186.00 | | |

| | |
|---------------------|-------------------|
| FTA FAIN Number: | GA-2020-003-00 |
| FTA Project: | GA-2020-003-01-00 |
| FTA PO: | GA-18-X037 |
| Federal Award Date: | 4/30/2020 |

FTA 5311 CARES Act Rural Transit Capital Vehicles Purchases ONLY
Period of Eligible Expenses: January 20, 2020 - December 31, 2020

| SECTION 2 | | | | | | | | | |
|---------------------------|-------------|--------------|-----------------------------|-----|-----------|---------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA Activity Line Item Code | Qty | Unit Cost | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Capital Cost | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| | | | |
|------------------------------|---------------|---------------------|--|
| Funding Distribution: | | Fund Sources | |
| Federal (100%) | \$0.00 | N/A | |
| State (0%) | \$0.00 | N/A | |
| Local (0%) | \$0.00 | N/A | |
| Total Project Cost | \$0.00 | | |

| | |
|---------------------|-----|
| FTA FAIN Number: | N/A |
| FTA Project: | N/A |
| FTA PO: | N/A |
| Federal Award Date: | N/A |

FTA 5311 CARES Act Rural Transit Small Capital
Period of Eligible Expenses: January 20, 2020 - June 30, 2020

| SECTION 3 | | | | | | | | | |
|----------------------------|-------------|--------------|--------------|-----|-----------|---------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Qty | Unit Cost | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 2 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Other Capital | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| | | | |
|-----------------------------|---------------|---------------------|--|
| Funding Distribution | | Fund Sources | |
| Federal (100%) | \$0.00 | N/A | |
| State (0%) | \$0.00 | N/A | |
| Local (0%) | \$0.00 | N/A | |
| Total Project Cost | \$0.00 | | |

| | |
|---------------------|-----|
| FTA FAIN Number: | N/A |
| FTA Project: | N/A |
| FTA PO: | N/A |
| Federal Award Date: | N/A |

PROJECT SUMMARY:

| T006336 | Amount |
|--|---------------------|
| Total Federal Cost - Operating, Capital Rolling Stock, & Other Small Capital/Mobility Management | \$119,186.00 |
| Total Project Cost | \$119,186.00 |

**EXHIBIT A.1
PROJECT SUMMARY
DAWSON COUNTY**
Project ID Number T006336

FTA 5311 CARES Act Operating Assistance
Period of Eligible Expenses: July 1, 2020 - June 30, 2021

| SECTION 1 | | | | | | | |
|---|--|--------------|--------------|---------------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | Rural Transit - Emergency Relief Operating | 300-A7 | 30.09.08 | \$265,494.00 | \$265,494.00 | \$0.00 | \$0.00 |
| Total Admin & Operating Cost | | | | \$265,494.00 | \$265,494.00 | \$0.00 | \$0.00 |

| Funding Distribution | | Fund Sources |
|---------------------------------------|---------------------|--------------|
| Federal (100%) | \$265,494.00 | N/A |
| State (0%) | \$0.00 | N/A |
| Local (0%) | \$0.00 | N/A |
| Total Estimated Operating Cost | \$265,494.00 | |

| | |
|---------------------|-------------------|
| FTA FAIN Number: | GA-2020-003-00 |
| FTA Project: | GA-2020-003-01-00 |
| FTA PO: | GA-18-X037 |
| Federal Award Date: | 4/30/2020 |

FTA 5311 CARES Act Rural Transit Capital Vehicles Purchases ONLY
Period of Eligible Expenses: July 1, 2020 - December 31, 2021

| SECTION 2 | | | | | | | | | |
|---------------------------|-------------|--------------|-----------------------------|-----|-----------|---------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA Activity Line Item Code | Qty | Unit Cost | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 2 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 3 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Capital Cost | | | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

| Funding Distribution: | | Fund Sources |
|---------------------------|---------------|--------------|
| Federal (100%) | \$0.00 | N/A |
| State (0%) | \$0.00 | N/A |
| Local (0%) | \$0.00 | N/A |
| Total Project Cost | \$0.00 | |

| | |
|---------------------|-----|
| FTA FAIN Number: | N/A |
| FTA Project: | N/A |
| FTA PO: | N/A |
| Federal Award Date: | N/A |

FTA 5311 CARES Act Rural Transit Small Capital/Mobility Management
Period of Eligible Expenses: July 1, 2020 - June 30, 2021

| SECTION 3 | | | | | | | | | |
|----------------------------|-------------|--------------|--------------|-----|-----------|------------|----------------------|------------------|------------------|
| Item | Description | SCOPE/SUFFIX | FTA ALI CODE | Qty | Unit Cost | Total Cost | Federal Share (100%) | State Share (0%) | Local Share (0%) |
| 1 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 2 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 3 | N/A | N/A | N/A | 0 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Other Capital | | | | | | | \$0.00 | \$0.00 | \$0.00 |

| Funding Distribution | | Fund Sources |
|---------------------------|---------------|--------------|
| Federal (100%) | \$0.00 | N/A |
| State (0%) | \$0.00 | N/A |
| Local (0%) | \$0.00 | N/A |
| Total Project Cost | \$0.00 | |

| | |
|---------------------|-----|
| FTA FAIN Number: | N/A |
| FTA Project: | N/A |
| FTA PO: | N/A |
| Federal Award Date: | N/A |

PROJECT SUMMARY:

| T006336 | Amount |
|--|---------------------|
| Total Federal Cost - Operating, Capital Rolling Stock, & Other Small Capital/Mobility Management | \$265,494.00 |
| Total Project Cost | \$265,494.00 |

EXHIBIT B

**CERTIFICATION OF SPONSOR COMPLIANCE WITH STATE AUDIT
REQUIREMENT**

I hereby certify that I am the duly authorized representative of _____
whose address is _____, and it is also
certified that:

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the
"Requirement of Audits" have been complied with in full such that:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of **\$550,000.00** or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than **\$550,000.00** in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

Date

Signature

EXHIBIT J

CERTIFICATION OF COMPLIANCE WITH THE STATE OF GEORGIA'S SEXUAL HARASSMENT PREVENTION POLICY

The State of Georgia promotes respect and dignity and does not tolerate sexual harassment in the workplace. The State is committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. All State of Georgia employees are expected and required to interact with all persons including other employees, SPONSOR, contractors, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment. Furthermore, the State of Georgia maintains an expectation that SPONSOR, its contractors and their employees and subcontractors will interact with entities of the State of Georgia, their customers, and other contractors of the State in a professional manner that contributes to a respectful work environment free from sexual harassment.

Pursuant to the State of Georgia's Statewide Sexual Harassment Prevention Policy (the "Policy"), SPONSOR and all contractors who are regularly on State premises or who regularly interact with State personnel must complete sexual harassment prevention training on an annual basis.

SPONSOR, including its employees and subcontractors, who have violated the Policy, including but not limited to engaging in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, notification to the employer, removal from State premises, restricted access to State premises and/or personnel, termination of contract, and/or other corrective action(s) deemed necessary by the State.

- (i) If SPONSOR is an individual who is regularly on State premises or who will regularly interact with State personnel, SPONSOR certifies that:
 - (a) SPONSOR has received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
 - (b) SPONSOR has completed sexual harassment prevention training in the last year; or will complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and,
 - (c) Upon request by the State, SPONSOR will provide documentation substantiating the completion of sexual harassment training.
- (ii) If SPONSOR has employees and subcontractors that are regularly on State premises or who will regularly interact with State personnel, SPONSOR certifies that:

- (a) SPONSOR will ensure that such employees and subcontractors have received, reviewed, and agreed to comply with the State of Georgia’s Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
- (b) SPONSOR has provided sexual harassment prevention training in the last year to such employees and subcontractors and will continue to do so on an annual basis; or SPONSOR will ensure that such employees and subcontractors complete the Georgia Department of Administrative Services’ sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and
- (c) Upon request of the State of the Georgia Department of Transportation, SPONSOR will provide documentation substantiating such employees and subcontractors’ acknowledgment of the State of Georgia’s Statewide Sexual Harassment Prevention Policy and annual completion of sexual harassment prevention training.

Signature: _____

Name: _____

Title: _____

Company: _____



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Dawson County Land Use Resolution Update to Residential Agriculture Minimum Lot Size

Background Information:

It has been requested of the Planning & Development department to revisit the change in this ordinance for the Land Use Resolution.

Current Information:

As it reads now, any subdivision of a RA-zoned parcel must be a minimum of 5 acres, as this was voted on by the BOC in 2019.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

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

**TO AMEND THE LAND USE RESOLUTION TO REVISE THE
RESTRICTIONS ON THE SUBDIVISION OF A SINGLE PARCEL OF
PROPERTY INTO EXACTLY TWO PARCELS**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to update the Land Use Resolution in order to coordinate harmonious for the public safety, health and morals of the citizens of Dawson County; and

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

- A. In Article III, Section 309 R-A Residential Agricultural/Residential Exurban, by deleting subsection 309(B)(1) in its entirety and replacing it with the following:

“1. Residential subdivisions where lots are less than five (5) acres in size. Notwithstanding the foregoing, this prohibition shall not prevent a “subdivision” resulting in the creation of exactly two lots from the original lot that is subdivided.”

- B. In Article III, Section 309 R-A Residential Agricultural/Residential Exurban, by deleting subsection 209(C)(1) in its entirety and replacing it with the following:

“1. Minimum lot size: 1.5 acres or such size as determined to be necessary for the protection of public health, safety and welfare by the Dawson County Health Department, whichever is greater. Notwithstanding the foregoing, the minimum lot size for residential subdivisions shall be five (5) acres unless the subdivision constitutes the subdivision of a single parcel into exactly two (2) parcels.

Minimum lot width at building line: 175 feet.

Minimum depth: 200 feet.”

Section II. All other provisions of the Land Use Resolution of Dawson County, Georgia shall remain the same.

Section III. If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County, Georgia to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

Section IV. All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

So Ordained, Resolved, Adopted and Approved this __ day of _____, 2020.

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____

Billy Thurmond, Chairman

By: _____

Kristen Cloud, County Clerk

Dates of Public Hearings:

Dates of Advertisements:



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Dawson County Minimum Standard Code Amendment to Include Mobile / Manufactured Homes

Background Information:

Last updated in 2007, the Dawson County Minimum Standard Code holds our requirements for the building of all structures.

Current Information:

Amending of the code to include manufactured/mobile home compatibility within the county's standards. These codes address the minimum standards for moving mobile / manufactured homes into the county. They will set the standard for what is considered acceptable and provide each citizen with a documented list of requirements.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

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

**TO AMEND CHAPTER 105 OF THE MINIMUM STANDARDS CODE OF DAWSON
COUNTY: TO PROVIDE AMENDED LANGUAGE ADDRESSING THE DAWSON
COUNTY FEE SCHEDULE; TO ADDRESS COMPATIBILITY STANDARDS FOR
MANUFACTURED/MOBILE HOMES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to update the Land Use Resolution in order to coordinate harmonious for the public safety, health and morals of the citizens of Dawson County; and

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

SECTION 1.

Chapter 105 Section 105-54 (C) of the Code of Dawson County, Georgia is deleted and replaced with the following :

“Upon notice from the building official and or code enforcement officer or designee, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official, code enforcement officer or designee shall not be required to give a written notice prior to stopping the work. Stop work orders apply to the entire scope of the development until corrective measures are approved. Re-inspection of corrections following placement of a stop work order incur an administrative fee per **Dawson County Fee Schedule** per violation.”

SECTION 2.

Chapter 105 Article II of the Code of Dawson County, Georgia is amended as shown in Exhibit A hereto.

SECTION 3.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 4.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5.

This ordinance shall become effective on _____, 2020, the public good demanding the same.

SO ORDAINED this ____ day of _____, 2020.

Dawson County Board of Commissioners

Billy Thurmond, Chairman

Sharon Fausett, Member

Chris Gaines, Member

Tim Satterfield, Member

Julie Hughes Nix, Member

Attest:

By: _____
Kristen Cloud, County Clerk

[COUNTY SEAL]

Exhibit A

Chapter 105 Article II of the Code of Dawson County, Georgia is amended by adding a new “Division 3 - MANUFACTURED/MOBILE HOMES” containing the following text:

Section 105-61 Manufactured/Mobile Home Compatibility Standards

Manufactured or mobile homes are allowed provided that only one such principal residence is permitted per lot and shall be subject to the following compatibility standards:

- (1) The home shall be attached to a permanent foundation; each home shall be provided with anchors and tie downs such as cast-in-place concrete dead men or other similar devices, which secure the stability of the home, approved by the Building Official.
- (2) There is no age restriction on a manufactured, mobile home or moved in house, however, any pre-owned manufactured, mobile home or moved in house proposed for setup and placement within Dawson County maybe subject to inspection at the discretion of the Building Official to determine sound condition and compliance with this resolution prior to permitting.
- (3) All towing devices, wheels, axles and hitches must be removed.
- (4) At each exit door there must be a landing that is a minimum of forty-eight inches (48") by forty-eight inches (48").
- (5) The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metals tiles, slate built up gravel materials, or other similar materials approved by the Building Official. All roofs shall have a minimum 3/12 pitch to approximate the traditional architecture within the county to protect the public health, safety and welfare.
- (6) The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite metal or vinyl lap or other materials of like appearance.
- (7) Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for that home with a complete masonry or concrete perimeter foundation.
- (8) Each home shall be established in accordance with the installation instructions from the manufacturer, as appropriate.
- (9) All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity and gas shall be made as required by all building codes of the county.
- (10) Said home shall compare aesthetically to site-built and other housing in the immediate general area within the same zoning or residential district or area.

Section 105-62 Inspection Checklist for Pre-owned Manufactured/Mobile Homes in the County

All pre-owned manufactured or mobile homes being located in the county or moved into the county under this division must meet the following regulations:

- (1) Electric:
 - a. All light fixtures must be in good condition to work properly;
 - b. Plugs and switches must be installed and have cover plates in place;
 - c. No loose wiring will be permitted;
 - d. Panel box must meet state-mandated electrical code requirements;
 - e. Manufactured or mobile homes must be checked underneath for any violations as to wiring or installation;
 - f. Smoke alarms must be installed and working properly;
 - g. All state-mandated electrical codes must be adhered to.
- (2) Plumbing:
 - a. Fixtures must be installed and working properly;
 - b. Water and drain lines must be free of leaks;
 - c. Water heater must be in good condition and installed properly;
 - d. Must meet all applicable state-mandated plumbing codes.
- (3) HVAC—Heating system:
 - a. Venting, if required on heat unit, must be properly installed and working properly;
 - b. Grills must be installed properly;
 - c. Only heating systems allowed by state-mandated energy code shall be acceptable;
 - d. Must meet all applicable state-mandated mechanical and energy codes.
- (4) Manufactured or mobile home unit:
 - a. Glass must be in doors and windows;
 - b. Doors must open and close properly;
 - c. No missing doors or windows will be allowed;
 - d. Roof must be in good condition with no leaks;
 - e. Floor must be in good condition with no holes or decay;
 - f. Ceilings must be in good condition with no missing drywall or other materials;
 - g. Outside of unit must not have missing metal sheets, panels, siding, etc.
 - h. Any major damage which occurs from removing decks and porches must be repaired;
 - i. Any kitchen appliances must pass applicable electric/plumbing codes and to installation and condition;
 - j. Floor coverings must be free from any damage that would cause possible injury or health problems, such as loose seams in vinyl or tile or loose seams or torn places in carpet;
 - k. All applicable standard building codes must be adhered to;
 - l. Must have the appropriate housing and urban development decal affixed.

Note: Newly manufactured units that have never been used must be verified as such by manufacturer.

Section 105-63 Inspections Outside the County

Manufactured or mobile homes can be moved into the county only after passing an inspection on all requirements hereinabove set out. These inspections outside the county shall be:

- (1) Limited to a 50-mile radius of Dawsonville, Georgia, with none accepted outside this radius;
- (2) Inspections to be conducted by the county building inspection department;
- (3) Scheduled by building inspector;
- (4) Subject to the following fees: \$500.00 inspection fee plus \$0.25 per mile. These fees are in addition to permit fees for manufactured or mobile homes, which includes inspection fees on manufactured or mobile homes after being located inside the county. If needed, one re-inspection may be performed by the building inspector outside the county at a cost of \$0.25 per mile; however, if other inspections are requested, another inspection fee of \$500.00, plus \$0.25 per mile, shall be required.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/20

Prepared By: Harmony Gee

Voting Session: 6/18/20

Presenter: Jameson Kinley

Public Hearing: Yes No

Agenda Item Title: Presentation of Appointment of the Building Official as the Local Government Agent for the Purposes Defined in the Abandoned Mobile Home Act

Background Information:

Effective May 1, 2019, Georgia Adopted Title 44 Chapter 7 Article 6 The Abandoned Mobile Home Act.

Current Information:

In order for Dawson County to utilize the aforementioned state code we must appoint a local government agent.

Budget Information: Applicable: Not Applicable: Budgeted: Yes No

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

2018 Georgia Code

Title 44 - Property

Chapter 7 - Landlord and Tenant

Article 6 - Abandoned Mobile Home

- § 44-7-110. (Effective May 1, 2019) Short title
- § 44-7-111. (Effective May 1, 2019) Legislative findings and intent
- § 44-7-112. (Effective May 1, 2019) Definitions
- § 44-7-113. (Effective May 1, 2019) Government agent to assess abandoned mobile home; lien on intact mobile home; derelict mobile homes; notice; governmental immunity
- § 44-7-114. (Effective May 1, 2019) Hearing on findings of derelict mobile homes
- § 44-7-115. (Effective May 1, 2019) Foreclosure of liens on abandoned or intact mobile homes
- § 44-7-116. (Effective May 1, 2019) "Public sale" defined; procedure; penalty for noncompliance
- § 44-7-117. (Effective May 1, 2019) Clerk's role in management of proceeds
- § 44-7-118. (Effective May 1, 2019) Documentation for purchaser
- § 44-7-119. (Effective May 1, 2019) Appointment of local government agent not required

§ 44-7-110. (Effective May 1, 2019) Short title

This article shall be known and may be cited as the "Abandoned Mobile Home Act."

§ 44-7-111. (Effective May 1, 2019) Legislative findings and intent

The General Assembly finds that abandoned mobile homes are a nuisance that cause blight and depress property values. This article is intended to provide local governing authorities with the authority to appoint an agent to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this state while protecting the rights of any owner, lienholder, or other interested parties by performing a due diligence search, notification, and hearing process.

§ 44-7-112. (Effective May 1, 2019) Definitions

As used in this article, the term:

- (1) "Abandoned mobile home" means a mobile home that has been left vacant by all tenants for at least 90 days without notice to the landowner and when there is evidence of one or more of the following:
 - (A) A tenant's failure to pay rent or fees for 90 days;

- (B) Removal of most or all personal belongings from such mobile home;
 - (C) Cancellation of insurance for such mobile home;
 - (D) Termination of utility services to such mobile home; or
 - (E) A risk to public health, safety, welfare, or the environment due to such mobile home.
- (2) "Derelict" means an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:
- (A) Inadequate provisions for ventilation, light, air, or sanitation; or
 - (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.
- (3) "Dispose" means to destroy, recycle, or repurpose for use not as living quarters.
- (4) "Intact" means an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of a local governing authority.
- (5) "Landowner" means the owner of real property upon which a mobile home is located.
- (6) "Local government agent" means a person appointed by a local governing authority who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.
- (7) "Manufactured home" shall have the same meaning as set forth in Code Section 8-2-160.
- (8) "Mobile home" shall have the same meaning as set forth in Code Section 8-2-160 and shall include a manufactured home.
- (9) "Responsible party" means any person with an ownership interest in an abandoned mobile home as evidenced by the last payer of record as identified by a search of deeds or instruments of title, and shall include any holder of a recorded lien or the holder of any type of secured interest in such abandoned mobile home or a local government with a claim for unpaid taxes.

§ 44-7-113. (Effective May 1, 2019) Government agent to assess abandoned mobile home; lien on intact mobile home; derelict mobile homes; notice; governmental immunity

- (a) At the request of a landowner, a local government agent shall be authorized to assess the condition of such abandoned mobile home. Upon inspection, the local government agent shall classify such abandoned mobile home as either intact or derelict and provide documentation citing such determination to the requesting landowner within 20 days of such request.
- (b) If a local government agent determines an abandoned mobile home to be intact, a landowner shall have a right to file a lien on such abandoned mobile home in the superior court for the circuit where such abandoned mobile home is located and in the amount of any unpaid rent as of the date on which such lien is filed and accrued fees. Such lien may be foreclosed pursuant to the procedure set forth in Code Section 44-7-115.

(c) If a local government agent determines an abandoned mobile home to be derelict, such agent shall post notice of such determination in a conspicuous location on such abandoned mobile home. Such notice shall include a date of issuance and shall be in substantially the following form:

"You are hereby notified that this mobile home (describe make, model, and color, if known) located at (address or description of location) has been deemed abandoned and derelict. You are entitled to a hearing in magistrate court to contest this determination. If you fail to request a hearing within 90 days from the date that appears on this notice or if it is confirmed by a court that this abandoned mobile home is derelict, the owner of the land upon which this mobile home sits shall be entitled to dispose of the mobile home."

(d)

(1) Upon receipt of a determination that an abandoned mobile home is derelict by a local government agent, and on the same date the notice required by subsection (c) of this Code section is posted, a landowner shall send notice, which notice shall include a listing of all responsible parties and last known addresses, to all responsible parties by registered or certified mail or statutory overnight delivery. Such notice shall contain a description of the abandoned mobile home, including the make of the mobile home, the location of such mobile home, and the fact that such abandoned mobile home has been deemed derelict. Such notice shall include a statement that such responsible party is entitled to request a hearing in magistrate court within 90 days from the date that appears on such notice to contest the determination that such abandoned mobile home is derelict and that failure to request such hearing within 90 days of receipt of such notice shall entitle such landowner to dispose of the derelict mobile home.

(2) If no responsible party can be ascertained, the landowner shall place an advertisement in a newspaper of general circulation in the county where such mobile home is located; if there is no newspaper in such county, shall post such advertisement at the county courthouse in such place where other public notices are posted. Such advertisement shall run in the newspaper once a week for two consecutive weeks or shall remain posted at the courthouse for two consecutive weeks. The advertisement shall contain a description of the mobile home, including the make of the mobile home, the location of such mobile home, and the fact that such mobile home has been deemed derelict. Such advertisement shall include a statement that such responsible party is entitled to request a hearing in magistrate court by a date certain and the advertisement shall state the specific end date to contest the determination that such abandoned mobile home is derelict and that failure to request such hearing by such date shall entitle such landowner to dispose of the derelict mobile home.

(e) Neither the local governing authority nor the local government agent shall bear any liability with respect to any lawful actions taken to make a determination that a mobile home is abandoned or derelict.

§ 44-7-114. (Effective May 1, 2019) Hearing on findings of derelict mobile homes

- (a) Within the 90 day period described in Code Section 44-7-113, a responsible party, or after the expiration of such 90 day period, a landowner shall petition a magistrate court to hold a hearing to confirm or deny the decision of a local government agent that an abandoned mobile home is derelict. If a petition is filed pursuant to this Code section, a hearing on such issue shall be held within ten days of the filing of such petition.
- (b) The court shall hear evidence of the condition of the abandoned mobile home, which may include introduction of a copy of the determination from the local government agent, and whether the notice provisions set forth have been met.
- (c) If, after a full hearing, the court determines the abandoned mobile home to be derelict, the court shall issue an order finding such mobile home to be derelict and authorizing the landowner to dispose of such derelict mobile home. A landowner issued such order shall dispose of such derelict mobile home within 180 days of the date of such order. Within 30 days of disposal of a derelict mobile home, the landowner shall notify the Department of Revenue and local tag agent of such disposal and such department shall cancel the certificate of title for such derelict mobile home, if such certificate exists.

§ 44-7-115. (Effective May 1, 2019) Foreclosure of liens on abandoned or intact mobile homes

Notwithstanding any conflicting provisions in Code Section 44-14-349, all liens acquired upon an abandoned mobile home or intact mobile home under Code Section 44-7-113 shall be foreclosed as follows:

- (1) Any proceeding to foreclose a lien on an abandoned mobile home determined to be intact by a local government agent shall be instituted in the magistrate court of the county where such mobile home is located within one year from the time the lien is recorded;
- (2) The person desiring to foreclose a lien on an abandoned mobile home determined to be intact by a local government agent shall, by certified or registered mail or statutory overnight delivery, make a demand upon the responsible party in the amount of the lien and for the payment of rent and fees accrued after the filing of the lien; provided that the amount of such rent shall not exceed \$3.00 per day. If the responsible party cannot be located, notice shall be published in a newspaper of general circulation for two consecutive weeks;
- (3) (A) If, within 30 days of delivery to the appropriate address of the written demand required by paragraph (2) of this Code section or within 30 days after the last publication in a newspaper, the responsible party fails to respond to such demand or refuses to pay, or if the responsible party cannot be ascertained, the landowner may move to foreclose such lien. The person asserting such lien may move to foreclose by making an affidavit to a magistrate court showing all facts necessary to constitute such lien and the amount claimed to be due. Such affidavit shall aver that the notice requirements of Code Section 44-7-113 have been complied with, and such affidavit shall also aver that a demand for payment has been made and refused or that the identity of the responsible party cannot be ascertained. The landowner shall verify the statement by oath or affirmation with a signature affixed thereto.

(B) In addition to the filing fees required by Code Section 15-10-80, the fee for filing such affidavit shall be \$5.00 per abandoned mobile home upon which a lien is asserted;

(4) (A) Upon the filing of such affidavit, the person asserting such lien shall give the clerk or judge of the court the address, if known, of all responsible parties and the clerk or judge of the court shall serve notice informing such responsible parties of a right to a hearing to determine if reasonable cause exists to believe that a valid debt exists; that such hearing shall be petitioned for within 30 days of receipt of such notice; and that, if no petition for such hearing is filed within the time allowed, the lien shall conclusively be deemed a valid one, foreclosure thereof allowed, and a public sale pursuant to Code Section 44-7-116 shall be authorized.

(B) Any notice required by this paragraph shall be by certified mail or statutory overnight delivery or, if the responsible party is unknown, by posting such notice at the county courthouse in such place where other public notices are posted;

(5) If a petition for a hearing is filed within the time allowed pursuant to paragraph (4) of this Code section, the magistrate court shall set such a hearing within ten days of filing of the petition. Upon the filing of such petition by a party defendant, neither the prosecuting lienholder nor the court may sell the mobile home. If, at the hearing, the magistrate court determines there is reasonable cause to believe that a valid debt exists, then the person asserting the lien shall retain possession of the mobile home or the court shall obtain possession of the mobile home, as ordered by the court;

(6) If no petition for a hearing is filed, or if, after a full hearing, the magistrate court determines that a valid debt exists, the court shall authorize foreclosure upon and sale of the mobile home subject to the lien to satisfy the debt if such debt is not otherwise immediately paid. The holder of a security interest in or a lien on the mobile home, other than the holder of a lien created by Code Section 44-7-113, shall have the right, in the order of priority of such security interest or lien, to pay the debt and court costs no later than 15 days after a magistrate court's order to authorize the foreclosure. If the holder of a security interest or lien does so pay the debt and court costs, such person shall have the right to possession of the mobile home, and that person's security interest in or lien on such mobile home shall be increased by the amount so paid. A magistrate court order shall be issued to this effect, and in this instance there shall not be a sale of the mobile home. If the debt owed is not timely paid by the holder of a security interest or an appeal of the magistrate court decision has not been timely filed pursuant to paragraph (8) of this Code section, the court shall issue an order authorizing the sale of such mobile home;

(7) If the magistrate court finds the actions of the person asserting the lien in retaining possession of the mobile home were not taken in good faith, then the court, in its discretion, may award damages to the mobile home owner and to any party which has been deprived of the rightful use of the mobile home; and

(8) Any order issued by the magistrate court shall be appealable pursuant to Article 2 of Chapter 3 of Title 5, provided that any such appeal shall be filed within seven days of the date such order was entered and provided, further, that, after the notice of appeal is filed with the clerk of the trial court, the clerk shall immediately notify the magistrate court of the notice of appeal. If the order of the magistrate court is against the responsible party and the responsible party appeals such order, the responsible party shall be required to pay into the registry of the court all sums found by the magistrate court to be due in order to remain in possession of the mobile home. The responsible party shall also be required to pay all future rent into the registry of the court as it becomes due in such amounts specified in paragraph (2) of this Code section until the issue has been finally determined on appeal.

§ 44-7-116. (Effective May 1, 2019) "Public sale" defined; procedure; penalty for noncompliance

(a)(1) As used in this subsection, the term "public sale" means a sale:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis;

(C) At which the sale, if made, shall be made to the highest and best bidder; and

(D) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 10:00 A.M. and 4:00 P.M., and the place of sale and shall briefly identify the goods to be sold.

(2) Upon order of the magistrate court, the person holding the lien on the abandoned mobile home shall be authorized to sell such mobile home at public sale.

(b) After satisfaction of the lien, the person selling such mobile home shall, not later than 30 days after the date of such sale, provide the clerk of the court with a copy of the bill of sale as provided to the purchaser and remit the remaining proceeds of such sale, if any, to the clerk of the court. Any person who fails to comply with the requirements of this subsection shall be guilty of a misdemeanor.

§ 44-7-117. (Effective May 1, 2019) Clerk's role in management of proceeds

The clerk of the magistrate court shall retain the remaining balance of the proceeds of a sale under Code Section 44-7-116, after satisfaction of liens, security interests, and debts, for a period of 12 months; and, if no claim has been filed against such proceeds by the owner of the abandoned mobile home or any interested party, then the clerk shall pay such remaining balance into the general fund of the municipality or county that employs the local government agent that made the determination that such mobile home was intact pursuant to Code Section 44-7-113.

§ 44-7-118. (Effective May 1, 2019) Documentation for purchaser

The purchaser at a sale as authorized by this article shall receive a certified copy of the court order authorizing such sale. Any such purchaser may obtain a certificate of title to such mobile home by filing the required application, paying the required fees, and filing a certified copy of the order of the court with the Department of Revenue. The Department of Revenue shall then issue a certificate of title, which shall be free and clear of all liens and encumbrances.

§ 44-7-119. (Effective May 1, 2019) Appointment of local government agent not required

Nothing in this article shall be construed to require a local governing authority to appoint a local government agent.

OCGA § 44-7-110

Abandoned Mobile Home Act

Intent of Resolution

Appoint the Building Official as the local government agent for the purposes defined in the Abandoned Mobile Home Act

Official Role

Intact

an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of a local governing authority

Derelict

an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:

- (A) Inadequate provisions for ventilation, light, air, or sanitation; or
- (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 6/4/2020

Prepared By: Harmony Gee

Voting Session: 6/18/2020

Presenter: Jameson Kinley _____

Public Hearing: Yes ___ No x ___

Agenda Item Title: Presentation of Adoption of a Revised Planning Commission Terms Resolution

Background Information:

In May 2009 Planning Commission terms were updated but, between that time and 2019, the appointments have gotten off schedule. It is our attempt to update the terms so that they will coincide with the respective Board of Commissioners District's term.

Current Information:

All Planning Commission members' terms are set to expire on December 31, 2020.

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No n/a

| Fund | Dept. | Acct No. | Budget | Balance | Requested | Remaining |
|------|-------|----------|--------|---------|-----------|-----------|
| | | | | | | |

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 5/27/20

County Manager Authorization: DH

Date: 05/27/2020

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

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

**TO PROVIDE FOR THE MEMBERSHIP OF THE PLANNING
COMMISSION OF DAWSON COUNTY; TO PROVIDE FOR
SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND
FOR OTHER PURPOSES.**

WHEREAS, the current resolutions and ordinances regarding the Dawson County Planning Commission were approved on May 24, 1982; January 22, 1990; June 17, 1997; August 16, 1999; May 7, 2009 and

WHEREAS, the Board of Commissioners of Dawson County deem advisable amending the procedure by which members of the Planning Commission of Dawson County are appointed.

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

- A. In Chapter 101 Article II PLANNING COMMISSION, by deleting subsection 24(e) in its entirety and replacing it with the following:

“e. The amendment regarding how members and alternates are appointed to the Planning Commission in accord with the terms hereof shall become effective beginning with the next term for each current member and each current alternate of the Planning Commission. **As of December 31, 2020, the term for each member and alternate appointed in accord with this ordinance shall be two years, except that the initial appointments for District 1 and District 3 shall be for one year and thereafter shall be for two years, and shall be on the first day of the calendar year.** A member or alternate may be re-appointed.”

Section II. All other provisions of Article II Planning Commission of Dawson County, Georgia shall remain the same.

Section III. If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be

construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County, Georgia to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

Section IV. All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

So Ordained, Resolved, Adopted and Approved this ___ day of _____, 2020.

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST

By: _____

Billy Thurmond, Chairman

By: _____

Kristen Cloud, County Clerk

Dates of Public Hearings:

Dates of Advertisements:

DAWSON COUNTY BOARD OF COMMISSIONERS
APPLICATION FOR APPOINTMENT TO COUNTY
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for AVITA Board of Directors

Name Angelia G. Brown (Angie)

Home Address 44 Kilough Ridge Drive

City, State, Zip Dawsonville, GA 30534

Mailing Address (if different) _____

City, State, Zip _____

Telephone Number L. 678-513-5204 WK. Alternate # _____

Fax Telephone Number 678-989-3008 FAX

E-Mail Address abrown2@laniertech.edu

Additional information you would like to provide:

I would greatly appreciate your vote of confidence to allow me to serve on the AVITA Board of Directors. I look forward to the chance to serve the community and the opportunity to represent Dawson County.

Signature Angelia G. Brown **Date** 1/19/18

Please note: Submission of this application does not guarantee an appointment.

Return to: Dawson County Board of Commissioners
Attn: County Clerk
25 Justice Way, Suite 2235
Dawsonville, GA 30534
(706) 344-3501 FAX: (706) 344-3889

DAWSON COUNTY BOARD OF COMMISSIONERS
APPLICATION FOR APPOINTMENT TO COUNTY
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for Department of Family & Children Services

Name Tina Brady

Home Address 1450 Nix Bridge Road

City, State, Zip Dawsonville, GA 30534

Mailing Address (if different) N/A

City, State, Zip N/A

Telephone Number _____ **Alternate Number** _____

Fax Telephone Number _____

E-Mail Address _____

Additional information you would like to provide:

Signature *Tina D. Brady* **Date** 2/10/2020

Please note: Submission of this application does not guarantee an appointment.

Return to: Dawson County Board of Commissioners
Attn: County Clerk
25 Justice Way, Suite 2313
Dawsonville, GA 30534
(706) 344-3501 FAX: (706) 344-3504