

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA - THURSDAY, APRIL 23, 2015
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
4:00 PM**

M. NEW BUSINESS

1. Presentation of Applications for Parade and Assembly - *Cinco-De-Run-O; GA Super Sprint Triathlon; Bootlegger Marathon; and Bootlegger Triathlon* - Director of Planning & Development Rachel Burton & Lowell Starr
2. Presentation of the 2015 Bullet Proof Vest (BVP) Grant - Major Greg Rowan
3. Presentation of Bid #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office - Major Jeff Johnson
4. Presentation of the Dawson County Soil Erosion and Sedimentation Control Ordinance Update - Stormwater Manager Robbie Irvin
5. Presentation of the Dawson County Stormwater Management Ordinance - Stormwater/Plan Review Manager Robbie Irvin
6. Presentation of the Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC) - Director of Administration David McKee
7. Presentation of Trauma Course Funding for Emergency Services Personnel - Emergency Services Director Billy Thurmond
8. Presentation of the Ordinance to Amend the Compensation of the Chairman and Commissioners - County Attorney Joey Homans
9. County Manager Report
10. County Attorney Report

Backup material for agenda item:

1. Presentation of Applications for Parade and Assembly - *Cinco-De-Run-O; GA Super Sprint Triathlon; Bootlegger Marathon; and Bootlegger Triathlon* - Director of Planning & Development Rachel Burton & Lowell Starr



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: Planning & Development

Presenter: Rachel Burton & Lowell Starr

Submitted By: Rachel Burton

Date Submitted: 4/10/2015

Item of Business/Agenda Title: Special Event Permit: Cinco-De-Run-O, N. GA Super Sprint Triathlon, Bootlegger Marathon, & Bootlegger Triathlon

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: Event dates are as follows in the same order as listed above: 5/2/2015, 5/17/15, 6/6/15 and 9/13/15

Purpose of Request: Approval of Special Event Permits

Department Recommendation: Director Burton recommends approval of the permits. Required insurance certificates will be submitted prior to or upon permit release.

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: Rachel Burton Date: 4/14/2015

Finance Dept. Authorization: N/A Date: _____

County Manager Authorization: _____ Work Session Date: 4/23/2015

Comments: _____

\$2500⁰⁰ PAR 8805

HEAD NOD ON 4/23/15

ADJL FRP
RATIFICATION
ON 5/7/15



Dawson County
Planning & Development
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places

Date Received: 3/27/15

Applicant answers all questions on pages 1-4; attach separate sheet(s) if necessary.

Application must be received a minimum of 30 days prior to event and must be complete and legible.

- PARADE
- RALLY
- PUBLIC DEMONSTRATION
- PUBLIC ASSEMBLY
- ROAD CLOSING
- ~~OTHER~~ ^{RACE}

1. Name of Event: CINCO-DE-RUN-O
2. Location of Event: CITY HALL TMP# D04-020-001
3. Date(s) of Event: 5-2-15
Time of Event: Start: 8:00 (a.m.) p.m. End: 10:00 (a.m.) p.m.
4. Provide information listed below for the **main contact person** responsible for the organization of this event:

Name: <u>LOWELL STARR</u>	Title: <u>EVNT MNG.</u>
Organization: <u>FIVE STAR (KIWANIS CLUB)</u>	Telephone #: <u>770-633-5511</u>
Email Address: <u>LSTARR3@MINDSPRING.COM</u>	Cell Phone #:
Address: <u>59 Hwy 9 South</u> City: <u>DAWSONVILLE</u> State: <u>GA</u> Zip Code: <u>30534</u>	

5. Provide information listed below for any key personnel involved in coordinating this event. Also, provide information listed below on each officer of the club, organization, corporation or partnership requesting this event. Attach a separate sheet if necessary.

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

Name:	Title:
Organization:	Telephone #:
Address: City: State: Zip Code:	

6. Expected number of participants: 200
7. Physical description of materials to be distributed: N/A
8. How do participants expect to interact with public? ROAD RACE
9. Route of event: (attach a detailed map of the route) SEE ATTACHED

9.a. Number and type of units in parade: N/A

9.b. Size of the parade: N/A

10. Will any part of this Event take place **within** the City Limits of Dawsonville? yes

If YES, do you have a permit for the event from the City? NO Date Issued: _____ * Attach Copy

11. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? _____ Yes No If YES, please explain in detail: N GA TR1 (5/11, 12, 13, 14)

BOOTLEGGER MARCHES (2012, 13, 14), BOOTLEGGER TR1 (2011, 12, 13, 14) TOUGH AS NAILS (3/14)

12. List all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County for which you obtained a permit: (Also include dates – attach separate sheet, if necessary). _____

Details: Please outline what your event will involve: (number of people / life safety issues / vendors / cooking / tents / rides / handicap parking / egress) – *attach separate sheet if necessary.*

ROAD RACE 11TH ANNUAL

Route or Lay Out: (attach a detailed site plan)

SEE ATTACHED

What participation, if any, do you expect from **Dawson County Emergency Services**? NONE

What participation, if any, do you expect from the **Dawson County Sheriff Department**? TRAFFIC CONTROL

Insurance Requirements:

In compliance with Ordinance Section VII (C), an applicant for a permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place, if one or more of the following criteria exists:

1. The use, participation, exhibition, or showing of live animals;
2. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
3. The use of a stage, platform, bleachers, or grandstands that will be erected for the event;
4. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
5. The use of roller coasters, bungee jumping, or similar activities; or
6. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? _____

Any applicant required to provide insurance shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and **licensed by the State of Georgia**. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be **\$1,000,000.00 per incident** and **\$2,000,000.00 aggregate** for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

**APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY;
AND AGREEMENT FOR FINANCIAL RESPONSIBILITY.**

APPLICATION:

OATH: I hereby swear and affirm that the information provided with this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold Dawson County harmless from any claim, demand, or cause of action that may arise from activities associated with the event. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless Dawson County, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of Dawson County.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expense may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

LOWELL STARR
Applicant's Printed Name

Sworn to and subscribed before me
this 27 day of March 2015.

Lael Starr
Applicant's Signature

Diane Callahan
Notary Public, State of Georgia

My Commission Expires:



Note to Applicant: Once your permit is processed, Planning & Development will notify you of the meeting dates for the Board of Commissioner's work session and voting session. You are required to attend both meetings.



Dawson County
Planning & Development
25 Justice Way, Suite 2322
(706) 344-3500

Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places
(EMERGENCY SERVICES)

EMERGENCY SERVICES: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: CINCO DE RUN-O Date(s) of Event: 5-2-15

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

Emergency Services: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: [Signature] Date: 3-23-15



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**Permit for
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In Public Places**
(SHERIFF DEPARTMENT)

SHERIFF DEPARTMENT: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: CINCO-DE-RUN-0 Date(s) of Event: 5-2-15

Any anticipated problems with proposed route? None

Any anticipated problems with the designated location for participants to assemble? none

How many officers will be required for this event? 12

Estimated cost for officers: \$600.00

Number of vehicles required: 12

Type of procedures and equipment needed for the health and safety needs of the participants and the viewing public: Must obtain a letter from Ga. DOT for approval to close Hwy 9 north for the event.

Estimated cost for equipment: \$120.00

Additional comments/concerns/recommendations: Proper signage must be in place to warn vehicle traffic of the event. All detour signage must meet and conform to the most current edition of the Manual on Uniform Traffic Control Devices.

Sheriff Department: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: [Signature]

Date: 3/24/15



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(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
*(Marshal / Public Works / Environmental
Health / Parks & Recreation)*

**PLEASE PROVIDE COMMENTS AND APPROVALS BELOW (Attach additional sheet if necessary)
(Please also sign off on page 8 of the application.)**

MARSHAL: _____

APPROVED: YES NO **By:** _____ **Date:** _____

PUBLIC WORKS: _____

APPROVED: YES NO **By:** _____ **Date:** _____

ENVIRONMENTAL HEALTH: _____

APPROVED: YES NO **By:** _____ **Date:** _____

PARKS & RECREATION: _____

APPROVED: YES NO **By:** _____ **Date:** _____



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(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
(APPROVALS)

Office Use Only:

If applicable to the event, the following departments have reviewed and approved this event:

Department	Printed Name	Signature for Approval	Date
Sheriff Dept.	Billy Carlisle	<i>[Signature]</i>	3/24/15
Emergency Services	Tim Satterfield	<i>[Signature]</i>	3-23-15
Marshal's Office			
Public Works Dept.			
Environmental Health			
Parks and Recreation			
State Park Office			
Georgia Dept. of Transportation			

Dawson County Board of Commissioners:

Work Session Date: 4/23/2015

Voting Session Date: 5/7/2015

Approved:

Attest:

Mike Berg, Chairman
Dawson County Board of Commissioners

Danielle Yarbrough, County Clerk

cc: (as applicable)

Applicant
County Attorney
Sheriff Dept.
Emergency Services

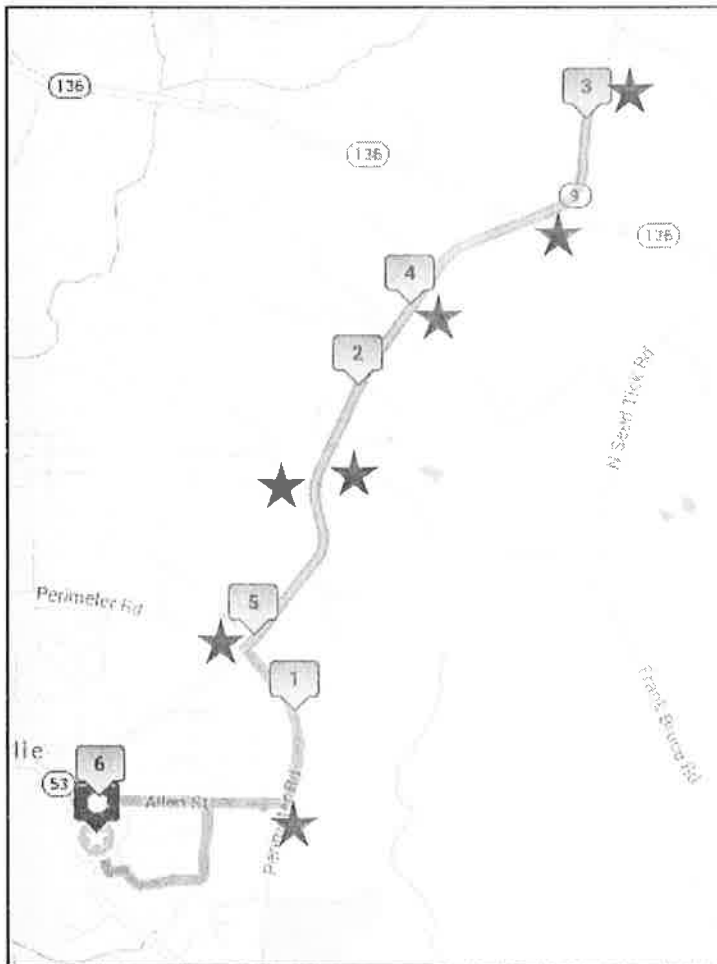
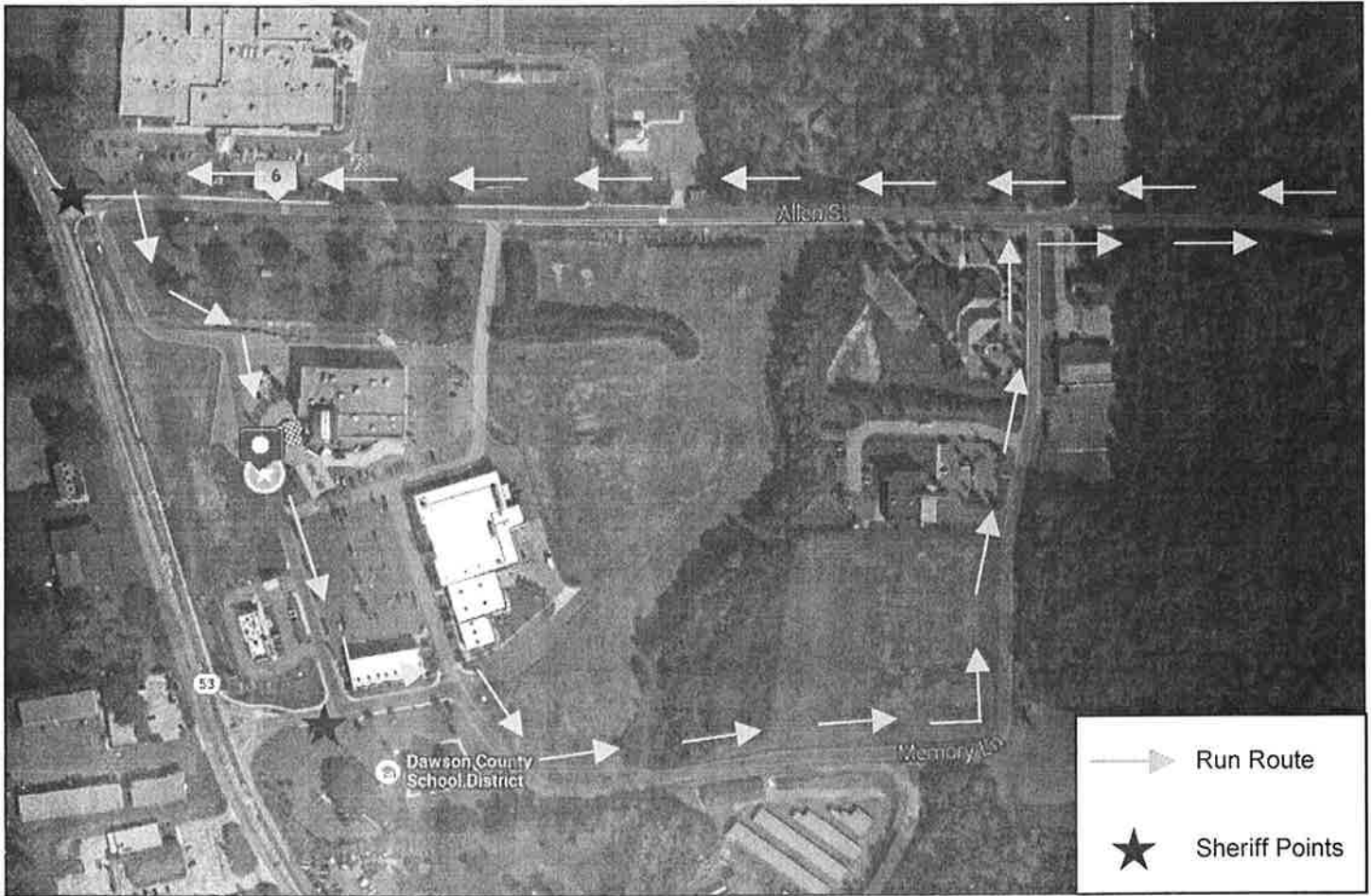
Marshal Dept.
Environmental Health
Public Works
Parks and Recreation

GA DOT (Brent Cook)
GA State Parks

PERMIT # PAR 8605

DATE ISSUED: _____

Cinco De Run-O 5K/10K — Traffic Plan



Written Route

1. Participants will start in front of city hall
2. Run through parking lot and exit/turn Left onto Memory Lane
3. Right on Allen St
4. Left on Perimeter Rd
5. Right on GA-9 (using North bound lane only)
6. 5K Participants will turn around just North of Bruce Rd
7. 10K Participants will continue North past GA-136 & turn around just South of Herman Rice Rd (I think that's the name)
8. Runners will return using the North bound lane of GA-9 (the same lane they went out in)
9. Left on Perimeter
10. Right on Allen St
11. Left into City Hall (using entrance closest to GA-53)

Closed Roads, Lanes & Cones

1. Memory Lane...closed for beginning of race
2. Allen St...closed for duration of race
3. Perimeter Rd...closed from Allen to GA-9
4. North bound Lane of GA-9 from Perimeter Rd to just South of Herman Rice Rd

**All closed lanes will be coned off

- 6. Expected number of participants: 150
- 7. Physical description of materials to be distributed: N/A
- 8. How do participants expect to interact with public? N/A
- 9. Route of event: (attach a detailed map of the route) SEE ATTACHED

- 9.a. Number and type of units in parade: N/A
- 9.b. Size of the parade: N/A

10. Will any part of this Event take place **within** the City Limits of Dawsonville? yes
 If YES, do you have a permit for the event from the City? NO Date Issued: _____ * Attach Copy

11. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? _____ Yes No If YES, please explain in detail: _____

12. List all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County for which you obtained a permit: (Also include dates – attach separate sheet, if necessary). _____

Details: Please outline what your event will involve: (number of people / life safety issues / vendors / cooking / tents / rides / handicap parking / egress) – attach separate sheet if necessary.

ANNUAL TRIATHLON MOSTLY IN THE PARK

Route or Lay Out: (attach a detailed site plan)

SEE ATTACHED

What participation, if any, do you expect from **Dawson County Emergency Services**? NONE

What participation, if any, do you expect from the **Dawson County Sheriff Department**? TRAFFIC CONTROL

Insurance Requirements:

In compliance with Ordinance Section VII (C), an applicant for a permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place, if one or more of the following criteria exists:

1. The use, participation, exhibition, or showing of live animals;
2. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
3. The use of a stage, platform, bleachers, or grandstands that will be erected for the event;
4. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
5. The use of roller coasters, bungee jumping, or similar activities; or
6. Vendors or concessions.

Does your parade, ~~non-spontaneous~~ private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? BIKES

Any applicant required to provide insurance shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and **licensed by the State of Georgia**. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be **\$1,000,000.00 per incident** and **\$2,000,000.00 aggregate** for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

**APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY;
AND AGREEMENT FOR FINANCIAL RESPONSIBILITY.**

APPLICATION:

OATH: I hereby swear and affirm that the information provided with this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold Dawson County harmless from any claim, demand, or cause of action that may arise from activities associated with the event. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless Dawson County, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of Dawson County.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expense may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

LOWELL STARR
Applicant's Printed Name

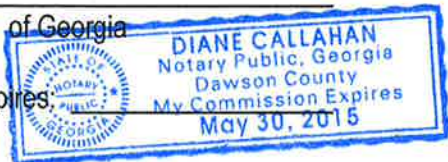
Sworn to and subscribed before me
this 27 day of March 2015.

Lowell Starr
Applicant's Signature

Diane Callahan

Notary Public, State of Georgia

My Commission Expires



Note to Applicant: Once your permit is processed, Planning & Development will notify you of the meeting dates for the Board of Commissioner's work session and voting session. You are required to attend both meetings.



**Dawson County
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25 Justice Way, Suite 2322
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**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
(EMERGENCY SERVICES)

EMERGENCY SERVICES: Please complete this sheet and return it to Dawson County Planning and Development. *(Please attach additional sheet, if necessary.)*

Name of Event: ~~BOAT RACE~~ NORTH GEORGIA SUPER SPRINT Date(s) of Event: 5-17-15

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____


Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

Emergency Services: APPROVED: YES NO *(Please also sign off on page 8 of application.)*
By:  Date: 3-23-15



Dawson County
Planning & Development
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

Permit for
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Demonstrations, and Rallies
In Public Places
(SHERIFF DEPARTMENT)

SHERIFF DEPARTMENT: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: NORTH GEORGIA SUPER SPRINT TRI Date(s) of Event: 5-17-15

Any anticipated problems with proposed route? none

Any anticipated problems with the designated location for participants to assemble? none

How many officers will be required for this event? 4

Estimated cost for officers: \$550.00

Number of vehicles required: 4

Type of procedures and equipment needed for the health and safety needs of the participants and the viewing public: Proper signage must be in place to warn vehicle traffic of the event. All signage must meet the most current edition of the Uniform Traffic Control devices.

Estimated cost for equipment: \$100.00

Additional comments/concerns/recommendations: _____

Sheriff Department: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: [Signature] Date: 3/24/15



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**Permit for
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In Public Places**
*(Marshal / Public Works / Environmental
Health / Parks & Recreation)*

**PLEASE PROVIDE COMMENTS AND APPROVALS BELOW (Attach additional sheet if necessary)
(Please also sign off on page 8 of the application.)**

MARSHAL: _____

APPROVED: YES NO By: _____ Date: _____

PUBLIC WORKS: _____

APPROVED: YES NO By: _____ Date: _____

ENVIRONMENTAL HEALTH: _____

APPROVED: YES NO By: _____ Date: _____

PARKS & RECREATION: _____

APPROVED: YES NO By: *Leslie Heasler* Date: *04-13-15*



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**Permit for
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In Public Places**
(APPROVALS)

Office Use Only:

If applicable to the event, the following departments have reviewed and approved this event:

Department	Printed Name	Signature for Approval	Date
Sheriff Dept.	Billy Carlisle	<i>[Signature]</i>	3/24/15
Emergency Services	Tim Satterfield	<i>[Signature]</i>	3-23-15
Marshal's Office			
Public Works Dept.			
Environmental Health			
Parks and Recreation	Jessie Hens	<i>[Signature]</i>	05-17-15
State Park Office			
Georgia Dept. of Transportation			

Dawson County Board of Commissioners:

Work Session Date: 4/23/15

Voting Session Date: 5/7/2015

Approved:

Attest:

Mike Berg, Chairman
Dawson County Board of Commissioners

Danielle Yarbrough, County Clerk

cc: (as applicable)

Applicant
County Attorney
Sheriff Dept.
Emergency Services

Marshal Dept.
Environmental Health
Public Works
Parks and Recreation

GA DOT (Brent Cook)
GA State Parks

PERMIT # PAP 8806

DATE ISSUED: _____

North Georgia Super Sprint Traffic Plan for Bike Route

Route

1. Riders will Exit Veterans Park and Turn Right, traveling South on GA-9
2. Riders will turn Right on Perimeter Rd
3. Riders will turn Right on Shoal Creek Rd
4. Riders will turn Right on GA-136
5. Riders will turn Right on GA-9
6. Riders will turn Right into Veterans Park

Volunteer Points

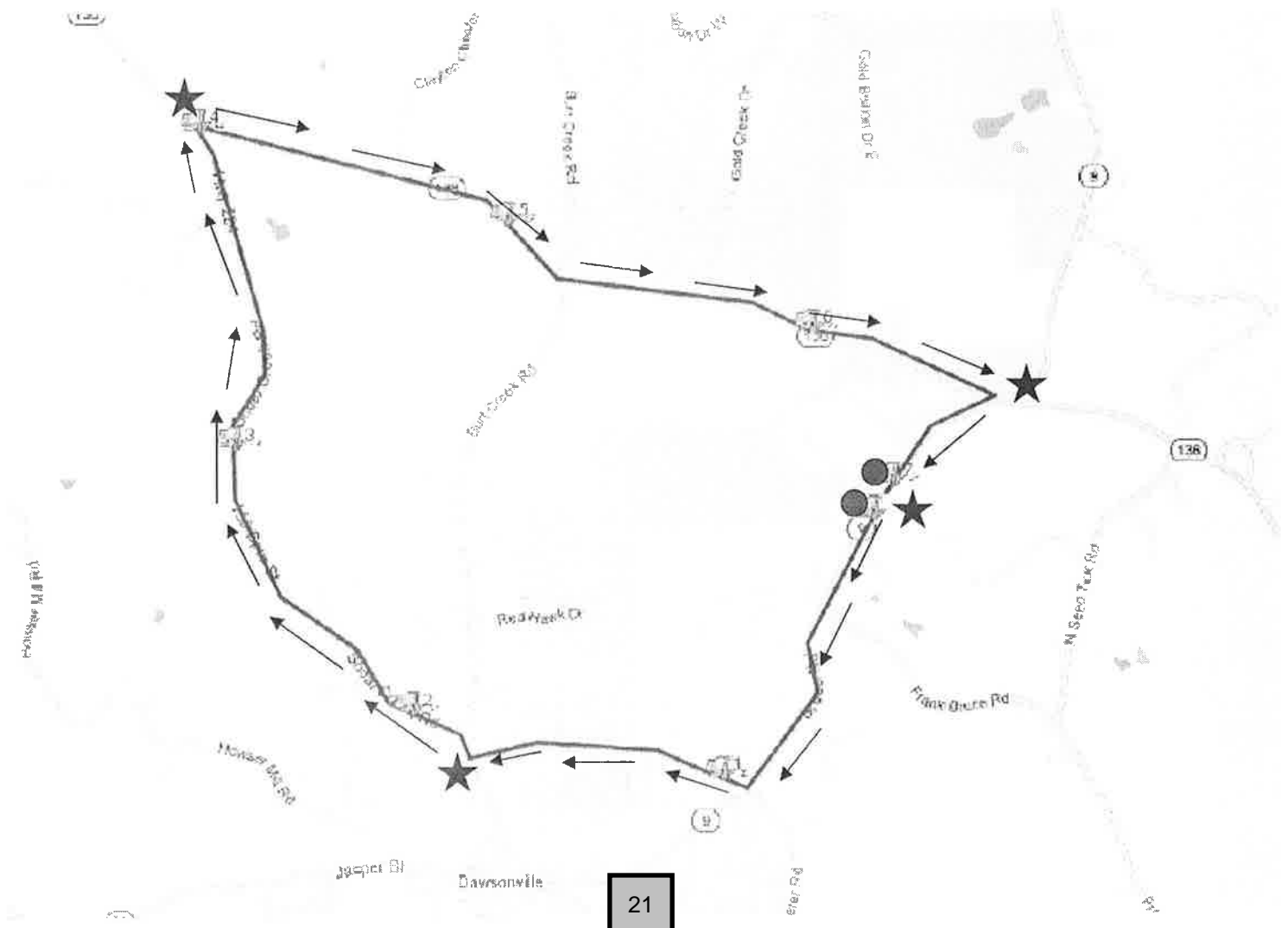
1. Perimeter Rd & GA-9
2. Shoal Creek & Burt Creek

Notes

1. Ride will be done as a time trial...no pack riding
2. Riders will follow rules of the road

Sheriff Points

1. GA-9 @ park exit (Dawson County)
2. Corner of GA-9 & GA-136 (Dawson County)
3. Corner of Perimeter Rd & Shoal Creek
4. Corner of Shoal Creek & GA-136



6. Expected number of participants: 400
7. Physical description of materials to be distributed: N/A
8. How do participants expect to interact with public? RACE
9. Route of event: (attach a detailed map of the route) SEE ATTACHED

- 9.a. Number and type of units in parade: N/A
- 9.b. Size of the parade: N/A

10. Will any part of this Event take place **within** the City Limits of Dawsonville? YES
 If YES, do you have a permit for the event from the City? _____ Date Issued: _____ * **Attach Copy**

11. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? Yes No If YES, please explain in detail: BOOTLEGGER MARATHON JUNE (2014, 13, 12, 11)

N:GA SUPER SRWT (MAY 2011, 12, 13, 14), BOOTLEGGER TRI (9/11, 12, 13, 14), TOUGH AS NAILS 3/2014

12. List all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County for which you obtained a permit: (Also include dates – attach separate sheet, if necessary). _____

Details: Please outline what your event will involve: (number of people / life safety issues / vendors / cooking / tents / rides / handicap parking / egress) – *attach separate sheet if necessary.*

MARATHON, 1/2 MARATHON, 5K FOOT RACE 4th ANNUAL EVENT

Route or Lay Out: (attach a detailed site plan)

SEE ATTACHED

What participation, if any, do you expect from **Dawson County Emergency Services**? NONE

What participation, if any, do you expect from the **Dawson County Sheriff Department**? TRAFFIC CONTROL

Insurance Requirements:

In compliance with Ordinance Section VII (C), an applicant for a permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place, if one or more of the following criteria exists:

1. The use, participation, exhibition, or showing of live animals;
2. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
3. The use of a stage, platform, bleachers, or grandstands that will be erected for the event;
4. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
5. The use of roller coasters, bungee jumping, or similar activities; or
6. Vendors or concessions.

Does your parade, non-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? _____

Any applicant required to provide insurance shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and **licensed by the State of Georgia**. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be **\$1,000,000.00 per incident** and **\$2,000,000.00 aggregate** for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

**APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY;
AND AGREEMENT FOR FINANCIAL RESPONSIBILITY.**

APPLICATION:

OATH: I hereby swear and affirm that the information provided with this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold Dawson County harmless from any claim, demand, or cause of action that may arise from activities associated with the event. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless Dawson County, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of Dawson County.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expense may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

Lowell STARR

Applicant's Printed Name

Sworn to and subscribed before me
this 27 day of March 2015.

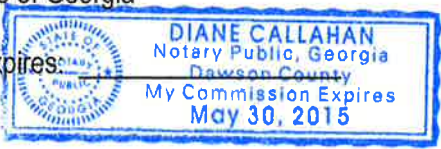
Lowell Starr

Applicant's Signature

Diane Callahan

Notary Public, State of Georgia

My Commission Expires:



Note to Applicant: Once your permit is processed, Planning & Development will notify you of the meeting dates for the Board of Commissioner's work session and voting session. You are required to attend both meetings.



**Dawson County
Planning & Development**
25 Justice Way, Suite 2322
(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
(EMERGENCY SERVICES)

EMERGENCY SERVICES: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: BOOTLEGGER MARATHON Date(s) of Event: 6-6-15

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

Emergency Services: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: [Signature] Date: 3-23-15



Dawson County
Planning & Development
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places
(SHERIFF DEPARTMENT)

SHERIFF DEPARTMENT: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: BOOTLEGGER MARATHON Date(s) of Event: 6-6-15

Any anticipated problems with proposed route? None

Any anticipated problems with the designated location for participants to assemble? None

How many officers will be required for this event? 17

Estimated cost for officers: \$3,000.00

Number of vehicles required: 17

Type of procedures and equipment needed for the health and safety needs of the participants and the viewing public: Proper detour signs and barricades must be in place to warn vehicle traffic of the event, and to protect those participating in the event. All signage must meet the most current edition of the manual on Uniform Traffic Control.

Estimated cost for equipment: \$600.00

Additional comments/concerns/recommendations: _____

Sheriff Department: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: Bill Cobb Date: 3/24/15



**Dawson County
Planning & Development**
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
*(Marshal / Public Works / Environmental
Health / Parks & Recreation)*

**PLEASE PROVIDE COMMENTS AND APPROVALS BELOW (Attach additional sheet if necessary)
(Please also sign off on page 8 of the application.)**

MARSHAL: _____

APPROVED: YES NO By: _____ Date: _____

PUBLIC WORKS: _____

APPROVED: YES NO By: _____ Date: _____

ENVIRONMENTAL HEALTH: _____

APPROVED: YES NO By: _____ Date: _____

PARKS & RECREATION: _____

APPROVED: YES NO By: _____ Date: _____



**Dawson County
Planning & Development**
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
(APPROVALS)

Office Use Only:

If applicable to the event, the following departments have reviewed and approved this event:

Department	Printed Name	Signature for Approval	Date
Sheriff Dept.	<i>Bill Calab</i>	<i>Bill Calab</i>	<i>3/24/15</i>
Emergency Services	<i>Tim Satterfield</i>	<i>Tim Satterfield</i>	<i>3-23-15</i>
Marshal's Office			
Public Works Dept.			
Environmental Health			
Parks and Recreation			
State Park Office			
Georgia Dept. of Transportation			

Dawson County Board of Commissioners:

Work Session Date: *4/23/2015*

Voting Session Date: *5/7/2015*

Approved:

Attest:

Mike Berg, Chairman
Dawson County Board of Commissioners

Danielle Yarbrough, County Clerk

cc: (as applicable)

Applicant
County Attorney
Sheriff Dept.
Emergency Services

Marshal Dept.
Environmental Health
Public Works
Parks and Recreation

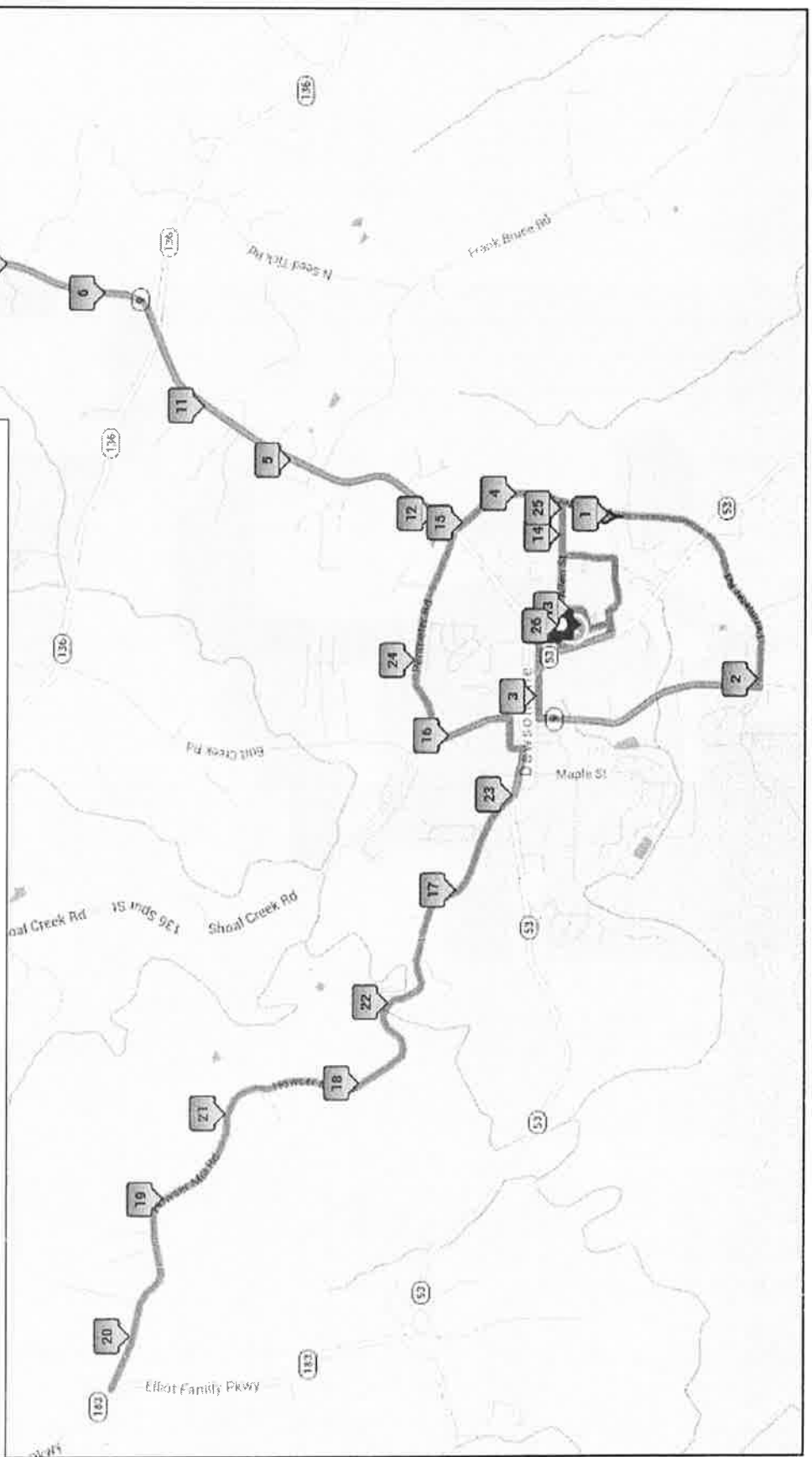
GA DOT (Brent Cook)
GA State Parks

PERMIT # _____

DATE ISSUED: _____

Written Route

1. Participants will start in the Dawsonville City Hall Parking Lot
2. Exit & turn Left onto Memory Lane
3. Right on Allen St
4. Right on Perimeter Rd (South bound lane)
5. Right on GA-9 (North bound lane)
6. Right on Academy
7. Through middle school
8. Left on Allen
9. Left on Perimeter
10. Right on GA-9 (North bound lane)
11. Right on Castleberry (East bound lane)
12. Turn around approximately 1 mile after turn and return to the Finish Line
13. At finish area...Marathon will continue on North side of city hall building exiting onto Allen St.
14. Left on Allen St
15. Left on the SIDEWALK of GA-53
16. Left on Memory Ln...following sidewalk
17. Follow Memory Ln to Allen St
18. Right on Allen
19. Right on Perimeter (using South bound lane ONLY)
20. Turn around and stay in same lane just before Rand Way.
21. Left on Shoal Creek...ON SIDEWALK
22. Right on Tucker Ave
23. Left on last street
24. Right on GA-53, using 4' run lane
25. Move onto sidewalk at Maple St
26. Right on Houser Mill Rd
27. Follow Houser Mill Rd to GA-183 then turn around and return along same route to finish line



Event Schedule

- 5:30 am... Check in Opens
- 6:30 am... Race Starts
- 1:30 pm... Course Closes

Point	1st Runner	Clear time
Memory Lane	6:32 am	6:40 am *1 st lap 2:00 pm *2 nd lap
Perimeter Rd & GA 53	6:38 am	6:50 am
Perimeter Rd & GA 9 (South)	6:42 am	7:02 am
GA 9 (South of Downtown)	6:48 am	7:18 am
GA 53 & Academy	6:48 am	7:18 am
Perimeter & GA 9 (North)	6:54 am	1:48 pm
GA 9 & GA 136	7:00 am	9:30 am
GA 9 & Castleberry	7:45 am	8:40 am
Allen St & Perimeter Rd	7:04 am	1:20 pm
Shoal Creek & Perimeter Rd	8:05 am	1:00 pm
GA-53	8:10 am	12:45 pm
Houser Mill & GA-183	8:30 am	11:50 am
Finish Line	7:22 am	1:30 pm

Officer Locations (Dawson County)

- Memory Ln @ Food Lion Exit
- Allen St @ Memory Ln
- Perimeter & Allen
- Perimeter & GA-53 (2)
- Perimeter & Apartments
- Perimeter & GA-9 South (2)
- GA-9 & Apartments
- GA-9 & Academy
- Academy & GA-53
- Perimeter & GA-9 North
- GA-9 & Goswick Dr
- GA-9 & Frank Bruce
- GA-9 & Jacquelyn Dr
- GA-9 & Veterans Park
- GA-9 & Park Ave
- GA-9 & GA-136 (2)
- Roaming GA-9
- Shoal Creek & Perimeter
- Houser Mill & GA-183
- GA-53

Officer Locations (Lumpkin County)

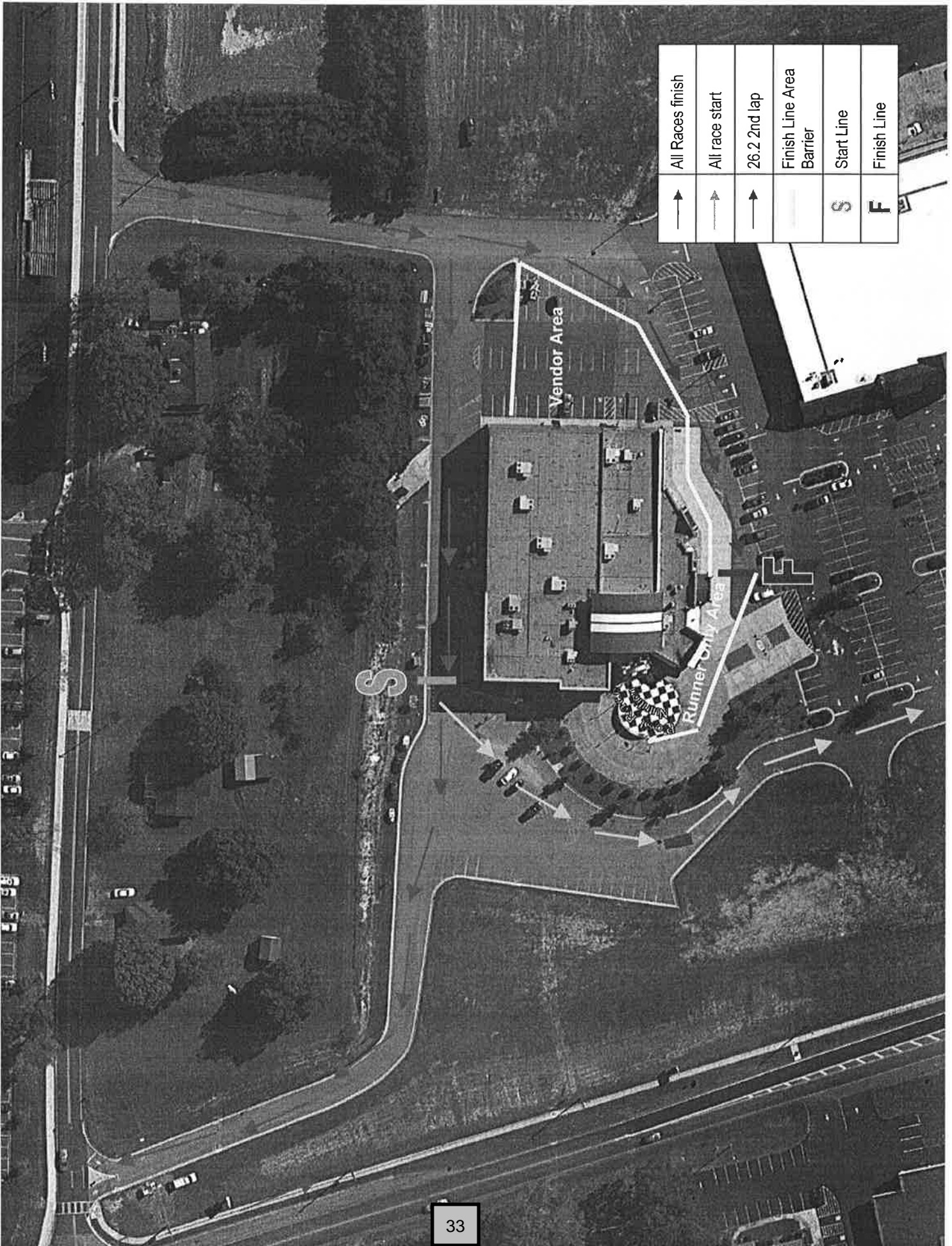
- GA-9 & Castleberry Bridge Rd
- Castleberry Bridge Rd & Morgan Ln
- Castleberry Bridge Rd & Lawrence Rd
- Castleberry Bridge Roaming

Road	Plan	Detour
Allen St	Close from GA 53 to Perimeter	GA 9 to GA 53
Perimeter Rd	South bound lane closed...Coned off	GA 9 to GA 53
GA 9 (South of Downtown)	North bound lane closed	Perimeter Rd to GA 53
GA 9 (North of Downtown)	North bound lane closed	GA 53 to GA 400 North to GA 136 or GA 60 then South GA 53 to GA 183 to GA
Academy	Closed	Perimeter Rd to GA 9 or GA 53
Castleberry	East bound lane closed...Coned off	Officers control 1 way traffic
Jacquelyn Dr (North <u>or</u> South)	Access to GA-9 closed	Other end
Houser Mill Rd	Closed to through traffic	None...Local traffic only

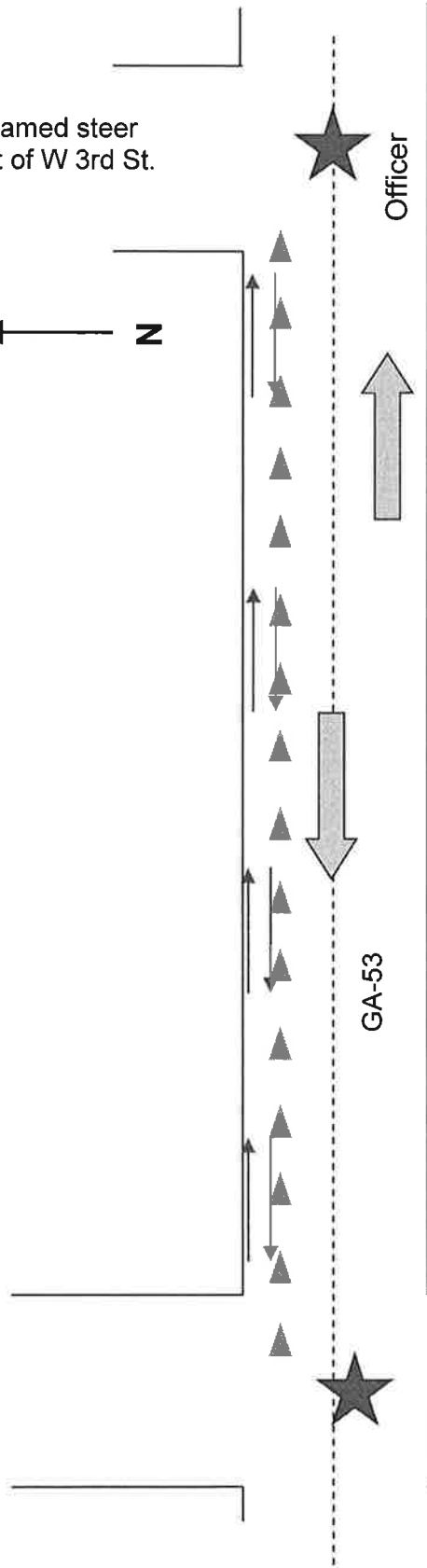


↑	26.2 2nd lap
↑	All Races Finish
↑	All race start
↑	4 miler finish
S	Start Line
F	Finish Line

↑	All Races finish
↑	All race start
↑	26.2 2nd lap
—	Finish Line Area Barrier
S	Start Line
F	Finish Line



Un-named steer
West of W 3rd St.



Run Route	Vehicle Traffic
↑	↑

- There is a substantial shoulder on the East bound side, allowing traffic to utilize it for additional space.
- The distance is approximately 500 ft.
- The speed limit is 25 mph in this section of downtown Dawsonville.

Officer

Maple Street

- 6. Expected number of participants: 250
- 7. Physical description of materials to be distributed: N/A
- 8. How do participants expect to interact with public? ROAD RACE
- 9. Route of event: (attach a detailed map of the route) SEE ATTACHED

- 9.a. Number and type of units in parade: N/A
- 9.b. Size of the parade: N/A

10. Will any part of this Event take place **within** the City Limits of Dawsonville? ~~YES~~ NO
 If YES, do you have a permit for the event from the City? _____ Date Issued: _____ * Attach Copy

11. Do you anticipate any unusual problems concerning either police protection or traffic congestion as a consequence of the event? _____ Yes X No If YES, please explain in detail: _____

12. List all prior parades or public assemblies, demonstrations or rallies in a public place within Dawson County for which you obtained a permit: (Also include dates – attach separate sheet, if necessary). _____

Details: Please outline what your event will involve: (number of people / life safety issues / vendors / cooking / tents / rides / handicap parking / egress) – *attach separate sheet if necessary.*

TRATHLOJ MOSTLY IN VETERANS PARK, ADULT BIKES ONLY
WILL COME OUT

Route or Lay Out: (attach a detailed site plan)

SEE ATTACHED

What participation, if any, do you expect from **Dawson County Emergency Services**? NONE

What participation, if any, do you expect from the **Dawson County Sheriff Department**? TRAFFIC CONTROL

Insurance Requirements:

In compliance with Ordinance Section VII (C), an applicant for a permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the parade, public assembly, demonstration or rally in a public place, if one or more of the following criteria exists:

1. The use, participation, exhibition, or showing of live animals;
2. The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
3. The use of a stage, platform, bleachers, or grandstands that will be erected for the event;
4. The use of inflatable apparatus used for jumping, bouncing, or similar activities;
5. The use of roller coasters, bungee jumping, or similar activities; or
6. Vendors or concessions.

Does your parade, ~~non~~-spontaneous private assembly, demonstration, or rally in a public place meet any of the criteria above? Yes No If yes, which one(s)? BIKES

Any applicant required to provide insurance shall provide Dawson County with a copy of the Certificate of Insurance from an insurer authorized and **licensed by the State of Georgia**. Dawson County shall be added as an additional named insured for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be **\$1,000,000.00 per incident** and **\$2,000,000.00 aggregate** for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

Is the Certificate of Liability Insurance attached? Yes No Not applicable to this event

Additional information/comments about liability insurance: _____

Additional information/comments about this application: _____

**APPLICANT'S SIGNATURE FOR THE PERMIT APPLICATION; RELEASE & WAIVER OF LIABILITY;
AND AGREEMENT FOR FINANCIAL RESPONSIBILITY.**

APPLICATION:

OATH: I hereby swear and affirm that the information provided with this application for parade, public assembly, demonstration, or rally is true and correct to the best of my knowledge. In addition, I agree to abide by all regulations of the ordinance and to advise all participants of the conditions of the permit.

RELEASE & WAIVER OF LIABILITY:

The permit holder shall indemnify and hold Dawson County harmless from any claim, demand, or cause of action that may arise from activities associated with the event. I acknowledge that I understand this Release, and I hereby agree for myself and on behalf of the Applicant to indemnify and hold harmless Dawson County, Georgia and its agents, officers, and employees, individually and jointly, from and against any claim for injury (including, but not limited to, personal injury and property damage), loss, inconvenience, or damage suffered or sustained by any individual, including but not limited to, business owners, patrons, participants of the parade, public assembly, demonstration, or rally, and spectators participating in and/or occurring during the event, unless the claim for injury is caused by intentional misconduct of an individual, agent, officer, or employee of Dawson County.

AGREEMENT FOR FINANCIAL RESPONSIBILITY:

The undersigned agrees to be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the permitted activity by Dawson County to keep the area of the event safe and sanitary. However, Dawson County shall not require individuals, organizations, or groups of persons to provide personnel for normal governmental functions such as traffic control, police protection, or other activities or expenses associated with the maintenance of public order. If additional requirements are placed upon an applicant and if such requirements are not met, then Dawson County may revoke the issued permit and/or deny any subsequent permit requested by the applicant. Dawson County shall be entitled to recover from the applicant any sum expended by Dawson County for extraordinary expenses not provided by the applicant. The additional expense may include, but not be limited to, Dawson County utilizing off-duty personnel or providing equipment or resources from other areas of the county to supplement equipment or resources already present.

LOWELL STARR
Applicant's Printed Name

Sworn to and subscribed before me
this 27th day of March 2015.

Lowell Starr
Applicant's Signature

Diane Callahan
Notary Public, State of Georgia

My Commission Expires:



Note to Applicant: Once your permit is processed, Planning & Development will notify you of the meeting dates for the Board of Commissioner's work session and voting session. You are required to attend both meetings.



Dawson County
Planning & Development
25 Justice Way, Suite 2322
(706) 344-3500

Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places
(EMERGENCY SERVICES)

EMERGENCY SERVICES: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: BOOTLEGGERS TRIATHLON Date(s) of Event: 9-13-15

Any anticipated problems with proposed route? _____

Any anticipated problems with the designated location for participants to assemble? _____

How many personnel will be required for this event? _____

Estimated cost for personnel: _____

Number and type of vehicles required: _____

Type of procedures or equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns: _____

Emergency Services: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: [Signature] Date: 3-23-15



Dawson County
Planning & Development
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places
(SHERIFF DEPARTMENT)

SHERIFF DEPARTMENT: Please complete this sheet and return it to Dawson County Planning and Development. (Please attach additional sheet, if necessary.)

Name of Event: BOOTLEGGER TRI Date(s) of Event: 9-13-15

Any anticipated problems with proposed route? None

Any anticipated problems with the designated location for participants to assemble? None

How many officers will be required for this event? 2

Estimated cost for officers: 4300.00

Number of vehicles required: 2

Type of procedures and equipment needed for the health and safety needs of the participants and the viewing public: _____

Estimated cost for equipment: _____

Additional comments/concerns/recommendations: Officers will handle the entrance of Veterans Park on Hwy 9 north. Bikes will follow the Uniform rules of the road once they exit Veterans Park.

Sheriff Department: APPROVED: YES NO (Please also sign off on page 8 of application.)

By: Big G Galit Date: 3/24/15



**Dawson County
Planning & Development**
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
*(Marshal / Public Works / Environmental
Health / Parks & Recreation)*

**PLEASE PROVIDE COMMENTS AND APPROVALS BELOW (Attach additional sheet if necessary)
(Please also sign off on page 8 of the application.)**

MARSHAL: _____

APPROVED: YES NO By: _____ Date: _____

PUBLIC WORKS: _____

APPROVED: YES NO By: _____ Date: _____

ENVIRONMENTAL HEALTH: _____

APPROVED: YES NO By: _____ Date: _____

PARKS & RECREATION: _____

APPROVED: YES NO By: *Lesia Heuse* Date: *04-13-15*



**Dawson County
Planning & Development**
25 Justice Way, Suite 2322
Dawsonville, GA 30534
(706) 344-3500

**Permit for
Parades, Public Assemblies,
Demonstrations, and Rallies
In Public Places**
(APPROVALS)

Office Use Only:

If applicable to the event, the following departments have reviewed and approved this event:

Department	Printed Name	Signature for Approval	Date
Sheriff Dept.	<i>Billy Carlise</i>	<i>[Signature]</i>	<i>3/24/15</i>
Emergency Services	<i>Tim Satterfield</i>	<i>[Signature]</i>	<i>3-23-15</i>
Marshal's Office			
Public Works Dept.			
Environmental Health			
Parks and Recreation	<i>Lisa Hensa</i>	<i>[Signature]</i>	<i>04-13-15</i>
State Park Office			
Georgia Dept. of Transportation			

Dawson County Board of Commissioners:

Work Session Date: 4/23/15

Voting Session Date: 5/7/2015

Approved:

Attest:

Mike Berg, Chairman
Dawson County Board of Commissioners

Danielle Yarbrough, County Clerk

cc: (as applicable)

Applicant
County Attorney
Sheriff Dept.
Emergency Services

Marshal Dept.
Environmental Health
Public Works
Parks and Recreation

GA DOT (Brent Cook)
GA State Parks

PERMIT # _____

DATE ISSUED: _____

Backup material for agenda item:

2. Presentation of the 2015 Bullet Proof Vest (BVP) Grant - Major Greg Rowan



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: Sheriff's Office

Presenter: Sheriff Billy Carlisle

Submitted By: Sandra Evans

Date Submitted: 04/14/15

Item of Business/Agenda Title: 2015 Bullet Proof Vest (BVP) Grant

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: May 13, 2015

Purpose of Request: This grant is utilized to purchase bullet-proof vest for deputies. The grant requires a 50% match.

Department Recommendation: Recommend approval

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: This is to continue the BVP grant for FY 2015.

No

Amount Requested: \$1000.00

Amount Budgeted: \$2,000

Fund Name and Account Number: 250-00-3392-XXXXXX-015

Administration Staff Authorization

Dept. Head Authorization: Billy Carlisle Date: 4/14/15

Finance Dept. Authorization: Dena Bosten Date: 4-14-15

County Manager Authorization: Cindy Stimpert Work Session Date: 4/15/2015

Comments: _____



1. Registration

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)

2. Application

- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)
- 2.5 [Mandatory Wear Policy](#)

3. Payment

- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

4. Status

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

5. Personal Information

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)

Section Application > Submit Application > Submit Application for Funding for BVP Approval

OMB #1121-0235
(Expires: 10/31/2016)

PLEASE NOTE: Applications for funding may be submitted for the purchase of any armor that meets the established NIJ ballistic or stab standards ordered **on or after April 1, 2015**. Once the open application period closes, funding levels will be established and all applicants will be notified.

Application Profile

Participant	DAWSON COUNTY
Fiscal Year	2015
Number of Agencies Applied	1
Total Number of Officers for Application	67
Number of Officers on Approved Sub-Applications	67
Unspent BVP Funds Remaining	\$2,436.70
Unspent BVP Funds Obligated for Vest Purchases	\$1,000.00

Sub-Application Profile

Fiscal Year	2015
Vest Replacement Cycle	5
Number of Officers	67
Zylon Replacement	0
Emergency Replacement Needs	0
Stolen or Damaged Officer Turnover	7

Submit Application for Funding for BVP Approval

Name	Quantity	Application for Funding		Total Cost
		Extended Cost	Tax, S&H*	
DAWSON COUNTY	5	\$1,750.00	\$35.00	\$1,785.00
Grand Totals	5	\$1,750.00	\$35.00	\$1,785.00
Requested BVP Portion of Total Cost, up to:				\$892.50

* Total Taxes, Shipping and Handling Cost for each Application

Submit Application for BVP Approval

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time for all components of a jurisdiction to complete and file this Application for Funding form is two hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you may use the Suggestions e-mail option on this BVP web site, or you may write to the BVP, c/o Bureau of Justice Assistance, 810 Seventh Street NW, Washington, DC, 20531.

Backup material for agenda item:

3. Presentation of Bid #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office - Major Jeff Johnson



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 Dawson County Sheriff's Office Presenter: Maj. Jeff Johnson

Submitted By: Davida Simpson, Purchasing Director Date Submitted: April 14, 2015

Item of Business/Agenda Title: Presentation of Bid #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office

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

THE ITEM IS FOR:

Work Session presentation only OR **Commission Action Needed.**
(no action needed)

Is there a deadline on this item? If so, Explain: May 28, 2015 is the 90 day deadline for BOC action

Purpose of Request: Execute a contract with vendor for telephone systems for the inmate population at DCSO

Department Recommendation: Approve contract with ICSolutions, Option A 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:
 No

Amount Requested: \$0.00 – All revenue Amount Budgeted: FY2015 Budgeted Revenue \$35,000

Fund Name and Account Number: 211-00-3326-XXXXXX-000

Administration Staff Authorization

Dept. Head Authorization: _____ Date: _____

Finance Dept. Authorization: Dena Bosten Date: 04-14-2015

County Manager Authorization: CINDY CAMPBELL Work Session Date: 04/23/2015

Comments: Bids can be found at www.dawsoncounty.org> Bids & RFPs> Bids Under Evaluation. Exhibit B is vendor's price proposal.



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: _____

DATE: _____

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

BUDGET INFORMATION:

ANNUAL- _____

CAPITAL- _____

COMMISSION ACTION REQUESTED ON: _____

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

DEPARTMENT:

Prepared by: _____

Director _____



INMATE TELEPHONE SYSTEMS FOR DCSSO #249-15 RFP

Work Session 50 – April 23, 2015

Overview

- One of the functions of the Sheriff is to provide a means of communication for individuals in his custody.
- Current contract has expired
 - ▣ \$60,000 signing bonus
 - ▣ 26% commission rate
- All funds currently accounted for in the Inmate Welfare Fund
 - ▣ Inmate Welfare Fund: This fund is used to account for funds collected from sale of goods and services to inmates. These monies are legally restricted for the benefit of detainees in the County Jail.

Scope of Work

- Telephones:
 - 25 inmate telephones, 2 booking telephones, 1 ADA phone and 1 lobby payphone
- Kiosks:
 - Lobby and booking for users to put money on inmate account
- Software:
 - Online portal accessible from any computer, unlimited user licenses, user friendly and customizable programming and reports, investigative tools, software updates and upgrades as applicable, all recordings stored on vendor servers
- Ongoing training for staff:
 - Option of on site training, online tutorials, webinars or combination thereof, all at no charge
- Local and long distance services
- Voicemail services for inmates (new option not currently offered)
- 24/7 Customer Service for staff, inmates and family/friends

Acquisition Strategy – Methodology

- Advertised in Legal Organ
- Posted on County Website
- Posted on GLGA Marketplace
- Posted on Georgia Procurement Registry
- Notification through GA Sheriff's Association Vendor list
- Notification through County's Facebook and Twitter accounts
- Notification through Chamber of Commerce
- Mandatory pre-bid meeting held February 6, 2015
- 7 vendors attended
- 6 bids received

Evaluation Process

□ Evaluation Committee:

Maj. Jeff Johnson, DCSO, Detention Center	Lt. David Lingerfelt, DCSO, Detention
Lt. Anne Martin, DCSO, Detention	Davida Simpson, Purchasing Director (Facilitator)

□ Items considered:

Company Experience & Staff Backgrounds	Methodology & Approach to Scope of Work
Price Proposal	Schedule for Implementation
Financial Stability & Business Litigation	References

Price Proposals

Vendor	Collect Call % to Vendor	Annual Signing Bonus	Implementation	Warranty
AmTel	46.20%	\$10,000 Pin Debit Credits only	60 days	N/A
ICSolutions - OPTION A	50%	\$20,000/ year for 5 years	45 days from NTP	Full warranty
ICSolutions - OPTION B	60%	\$10,000/year for 5 years	45 days from NTP	Full warranty
ICSolutions - OPTION C	75%	-	45 days from NTP	Full warranty
Infinity Networks, Inc. - OPTION A	52%	\$10,000 Pin Debit Credits only	Based on scope of work	Term of contract
Infinity Networks, Inc. - OPTION B	97%*	-	Based on scope of work	Term of contract
Lattice Inc.	67%	\$20,000	45 days from NTP	Support & Replacement for life of contract
Pay Tel Communications Inc	53%	\$10,000/ contract year	45 days from NTP	Service & Technology for life of contract and renewals
Securus - OPTION A (Incumbent)	65%	\$10,000 One time payment		Term of contract
Securus - OPTION B (Incumbent)	70%	\$20,000/year for 3 years		Term of contract

Evaluation Committee Results

Company	Points Allowed	AMTEL /ATN Inc.	ICSolutions	Infinity Networks	Lattice	PayTel Comm	Securus Tech (Incumbent)
Company Experience & Staff Backgrounds	20	17	20	17	19	18.333	15.666
Methodology & Approach to Scope of Work	25	19	23	16.666	20.333	21.333	16.666
Price Proposal	25	16	23	12.666	19.333	19.666	14.666
Schedule	10	11	10	8.333	8.333	8.333	9.333
References	10	6	10	6.666	7.333	9.333	8.666
Financial Stability & Business Litigation	10	8	9	10	10	10	8.333
Total Points	100	75.67	95.33	71.33	84.33	87	73.333

Red highlight denotes interview

56

ICSolutions Fee Schedule

- Postal (Flat) Rates:
 - 18¢/minute for anywhere in USA
 - 50¢/minute for International calls
- **Option A – 50% Commission and \$100,000***
- Option B – 60% Commission and \$50,000*
- Option C – 75% Commission
- Voicemail Rates:
 - \$1.00 charge for each voicemail/50¢ commission on each

Department Comments

- ❑ ICSolutions is a branch of Keefe (KCN), our current commissary provider
- ❑ Vendor has good history with providing direct inmate telephone services to local jails and state prison systems in GA and across the USA
- ❑ Calling rates are more straightforward than other providers
- ❑ Fees to inmates and families are less than most providers
- ❑ KCN representative has office at DCSO making it a smooth change over to ICS
- ❑ Integration with KCN Commissary and Banking Systems (Inmate Accounts)
- ❑ KCN reported a 9.5% increase in commissions in commissary commissions if we brought in ICSolutions
- ❑ Higher signing bonus will pay 58 unfunded mandates from the State (LiveScan fingerprint machine)

References

- IC Solutions references were all extremely positive
- Provides services to the following GA Law

City of Atlanta	Floyd County Jail
Bulloch County	Jackson County
Coweta County	Mitchell County
Floyd County Correctional Institute	Terrell County
Any many more jails and prisons across the United States	

Recommendation

Staff is respectfully requesting Board of Commissioners to approve Bid #249-15 RFP Inmate Telephone Systems for DCSO to the most responsible, responsive bidder Inmate Calling Solutions (ICS) out of San Antonio, TX and approve the contract with Option A as submitted beginning May 8, 2015. Additionally, all commissions and the signing bonus of \$100,000 (5 equal installations) will be accounted for in the Sheriff's Inmate Welfare Account.

ANNUAL CONTRACT AND AGREEMENT

Contract Start Date:	May 8, 2015
Contract End Date:	December 31, 2015
Contract Name:	Inmate Telephone Systems for DCSO
Vendor Name:	Inmate Calling Solutions, LLC
Address:	2200 Danbury Street San Antonio, TX 78217
Telephone No.:	678-488-0515
Contact Person:	Doug Bundy
Payment Terms:	Net 30 days

This Agreement is hereby made and entered into this 7th day of May, 2015, by and between Dawson County, Georgia (hereinafter referenced as “County”) and Inmate Calling Solutions, a California limited liability corporation, (hereinafter referenced as “Contractor”).

The Request for Proposals received pursuant to Dawson County Project No. **#249-15 RFP Inmate Telephone Systems for Dawson County Sheriff’s Office** and addenda issued for the Request for Proposals referenced herein, and the Contractor’s bid are hereby incorporated herein by reference and made a part of this contract and agreement between the parties.

1. **Scope of Services**

Contractor shall furnish the services in accord with: the Request for Proposals and the addenda issued for the Request for Proposals set forth within “Exhibit A” that is hereto incorporated herein by reference. Such services shall be performed by employees or agents of the Contractor and not by employees of the County. If the services are to be provided or performed upon property owned or controlled by the County, then the Contractor’s employees shall abide by all rules established by the County.

2. **Term of Agreement**

This Agreement shall commence on the 8th day of May, 2015 and shall terminate on December 31, 2015 with four (4), one (1) calendar year renewals permitted if both parties agree. 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 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 in accordance with services rendered based on the rates provided under the Vendor's Price Proposal Form ("Exhibit B") in response to the Request for Proposals #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office. The total obligation that will be incurred in each calendar year renewal term, if renewed, shall be as in accordance with services rendered based on the rates provided under the Vendor's Price Proposal Form ("Exhibit B") in response to the Request for Proposals #249-15 RFP Inmate Telephone Systems for Dawson County Sheriff's Office. Title to any supplies, materials, equipment, or other personal property shall remain in the Contractor 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 Contractor shall be as set forth in the Request for Proposals, any addenda issued for the Invitation for Bids, and the Contractor's Bid and shall constitute payment in full for work completed.

5. Invoices

All invoices from the Contractor shall include the purchase order number, a location description and an outline of work completed. The Contractor represents to the County that the Contractor is experienced and properly qualified to perform the functions to be performed by the Contractor in accord with the terms hereof and that the Contractor is properly equipped, organized and financially able to perform such functions. The Contractor shall operate as an independent contractor and not as an agent of the County, and neither the Contractor nor any of the Contractor's employees, servants, agents or subcontractors shall be deemed a partner, employee, servant or agent of the County. Neither party hereto shall have authority to bind the other party in respect.

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

6. Indemnification/Limitation of Liability

Contractor agrees to protect, defend, indemnify and hold harmless the County, the County's commissioners, agents and employees from and against any liability, damage, claim, including attorney fees and expenses of litigation, suit, lien, and judgment for injuries to or death of any person or damage to property or other rights of any person caused by the Contractor, the Contractor's employees, servants, agents or subcontractors. The Contractor's obligation to protect, defend, indemnify, and hold harmless extends to any claim for the alleged infringement of any patent, trademark, copyright, or any actual

or alleged unfair competition, disparagement of product or service, or other business tort or any actual or alleged violation of trade regulations arising out of the performance of Contractor's duties in accord with this Contract, as well as any other claim. The Contractor shall maintain worker's compensation and comprehensive general liability insurance in such form as to protect Contractor and the County with the County being named as an additional insured for any claims for damages or bodily injury, including death and damage to property that may arise from acts or omissions of Contractor under this Contract. The Contractor shall provide the County with a Certificate of Liability Insurance in an amount of not less than \$1,000,000.00 per occurrence to protect the Contractor. Such insurance shall be primary and non-contributing to any insurance maintained or obtained by the Contractor and shall not be cancelled or materially reduced without thirty (30) days prior notice to the County and approval by the County.

7. **Performance Standards**

The Contractor shall exercise care, skill and diligence commonly possessed and exercised by reasonably skillful and prudent persons who perform these services when performing obligations in accord with the terms of this Contract. The Contractor's performance will be evaluated monthly. If the terms hereof are not being satisfied as determined by the County, then the County shall notify the Contractor in writing of deficiencies, and the Contractor shall provide a written response detailing how any deficiencies shall be cured within thirty (30) days. If the deficiencies noted by the County are not properly corrected, then Dawson County may cancel this Agreement with no additional obligation owed to the Contractor.

8. **Change Order**

Any change order shall mean a written order to the Contractor executed by the County issued after the execution of this Contract and Agreement authorizing and directing a change in services. The price and time may be changed only through a change order. If the change order requires additional services or directs the omission of certain services covered by this Contract, then an equitable adjustment in price shall be made, but any claim for any such adjustment shall be asserted within thirty (30) days of receipt of the written change order.

9. **Confidential Information**

While performing services for the County, the Contractor shall not disclose any confidential business information that may become known to the Contractor. Personnel acting on behalf of the Contractor 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 reports, data, maps, or other materials prepared in accord with the terms of this Contract and Agreement.

10. Litigation and Arbitration

The County and the Contractor 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.

11. 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
ATTN: Purchasing Director
25 Justice Way, Suite 2223
Dawsonville, GA 30534

Inmate Calling Solutions, LLC
ATTN: Doug Bundy
2200 Danbury Street
San Antonio, TX 78217

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

DAWSON COUNTY, GEORGIA

By: _____
Name: Mike Berg
Title: Chairman, BOC

By: _____
Name: Billy Carlisle
Title: Sheriff

Attest:

By: _____
Name: Danielle Yarbrough
Title: County Clerk

CONTRACTOR:

Attest:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Backup material for agenda item:

4. Presentation of the Dawson County Soil Erosion and Sedimentation Control Ordinance Update - Stormwater Manager Robbie Irvin



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: Planning & Development

Presenter: Robbie Irvin

Submitted By: Rachel Burton

Date Submitted: 4/13/2015

Item of Business/Agenda Title: Dawson County Soil Erosion and Sedimentation Control Ordinance Update

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: No

Purpose of Request: Approval of public hearings for Soil Erosion and Sedimentation Control Ordinance Update

Department Recommendation: Director Burton recommends approval to send to public hearing on 5/21/15 and 6/4/2015.

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: Rachel Burton Date: 4/13/2015

Finance Dept. Authorization: N/A Date: _____

County Manager Authorization: _____ Work Session Date: 4/23/2015

Comments: _____



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Dawson County Soil Erosion and Sedimentation Control Ordinance Update

DATE: 4/13/2015

BUDGET INFORMATION:

ANNUAL- _____

CAPITAL- _____

- RECOMMENDATION
- POLICY DISCUSSION
- STATUS REPORT
- OTHER

COMMISSION ACTION REQUESTED ON: May 7, 2015

PURPOSE: Approval of public hearings for Soil Erosion and Sedimentation Control Ordinance Update to be held on 5/21/15 and 6/4/15.

HISTORY: Dawson County was required to obtain coverage under the NPDES General Permit GAG6100 since we were designated as a small MS4. The MS4 program requires specific language in this ordinance to address construction site pollution prevention.

FACTS AND ISSUES: This is an update to our current Soil Erosion and Sedimentation Control Ordinance to include the state model ordinance exemptions for single family residences and other projects which disturb less than a specifically designated volume of disturbance, correct the designated volume of disturbance, and match BMPs in the model ordinance.

OPTIONS:

RECOMMENDED SAMPLE MOTION: Make a motion to send the Dawson County Soil Erosion and Sedimentation Control Ordinance update to public hearing on 5/21/15 and 6/4/15.

DEPARTMENT: Planning & Development

Prepared by: Rachel Burton

Director Rachel Burton

**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:

2015 Dawson County Soil Erosion and Sedimentation Control Ordinance Update

Presented By: Robbie Irvin
Dawson County Stormwater Manager

What is Erosion?

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



What is Sedimentation?

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



Why revise the Ordinance?

The MS4 program requires specific language in this ordinance to address construction site pollution prevention.



Corrections:

- The state model ordinance contains exemptions for single family residences and other projects which involve the disturbance of less than a specifically designated volume of disturbance. The state volume of disturbance is less than 1 acre.
- The current ordinance reduces the designated volume in Dawson County to 120 square feet.
- EPD has ruled that Dawson County can not reduce the volume to 120 square feet so the ordinance is being corrected to match the model ordinance.

Other Changes

More restrictive BMPs which were added by Dawson County are being removed to match the BMPs in the model ordinance.

Questions?

Proposed Public Hearing Dates:
May 21, 2015 and June 4, 2015



Backup material for agenda item:

5. Presentation of the Dawson County Stormwater Management Ordinance - Stormwater/Plan Review Manager Robbie Irvin



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: Planning & Development

Presenter: Robbie Irvin

Submitted By: Rachel Burton

Date Submitted: 4/13/2015

Item of Business/Agenda Title: Dawson County Stormwater Management 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: No

Purpose of Request: Approval of public hearings for Stormwater Management Ordinance

Department Recommendation: Director Burton recommends approval to send to public hearing on 5/21/15 and 6/4/2015.

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: Rachel Burton Date: 4/13/2015

Finance Dept. Authorization: N/A Date: _____

County Manager Authorization: Cindy Campbell Work Session Date: 4/23/2015

Comments: _____



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Dawson County Stormwater Management Ordinance

DATE: 4/13/2015

BUDGET INFORMATION:

ANNUAL- _____

CAPITAL- _____

- RECOMMENDATION
- POLICY DISCUSSION
- STATUS REPORT
- OTHER

COMMISSION ACTION REQUESTED ON: May 7, 2015

PURPOSE: Approval of public hearings for Stormwater Management Ordinance to be held on 5/21/15 and 6/4/15.

HISTORY: Dawson County was required to obtain coverage under the NPDES General Permit GAG6100 since we were designated as a small MS4.

FACTS AND ISSUES: This is a mandatory ordinance per the Stormwater MS4 Program to develop, implement, and enforce a program to address stormwater runoff in the MS4 from new development and redevelopment projects. The program must ensure that controls are in place that will prevent or minimize water quality impacts.

OPTIONS:

RECOMMENDED SAMPLE MOTION: Make a motion to send the Dawson County Stormwater Management Ordinance to public hearing on 5/21/15 and 6/4/15.

DEPARTMENT: Planning & Development

Prepared by: Rachel Burton

Director Rachel Burton

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:

**STORMWATER MANAGEMENT/BMP
MAINTENANCE AGREEMENT**

Dawson County, Georgia
Stormwater Management Office
(706) 344-3500 ext. 42334

THIS Agreement made and entered into this _____ day of _____, 20____, by and between (Full Name of Owner) _____ hereinafter called the "Landowner", and Dawson County, Georgia hereinafter called the "County."

WHEREAS, the Landowner is the owner of certain real property described as (Dawson County Tax Map/Parcel Identification Number) _____ as recorded by deed in the land records of Dawson County, Georgia at Deed Book _____ Page _____, hereinafter called the "Property;" and

WHEREAS, the Landowner is proceeding to, or has, made improvements on the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as _____ (Name of Plan/Development) hereinafter called the "Plan," which is expressly incorporated herein by reference, as approved, or to be approved, by the County, provides for detention of stormwater within the confines of the Property; and

WHEREAS, the County requires that onsite stormwater management/BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any homeowners association;

WHEREAS, the Georgia Stormwater Management Manual addresses issues relating to the operation and/or maintenance of stormwater systems; and

WHEREAS, the Landowner, its successors and assigns, understands that the execution and adherence to the provisions of this Agreement is a condition precedent to the County's permitting, and/or approving the final plat for the Property and subdivision located thereon;

NOW THEREFORE, in consideration of the foregoing premises and mutual agreements the parties hereby agree as follows:

1. The on-site stormwater management/BMP facilities shall be constructed, operated, and maintained by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan, as well as in accordance with State and federal law, the Georgia Stormwater Management Manual, and any and all applicable County ordinances.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater facilities and improvements on the Property. Adequate Maintenance required by this Agreement shall include, but is not limited to,

scheduled and corrective maintenance of all facilities and improvements intended to manage and/or control stormwater on the Property, with such facilities and improvements to expressly include, but not be limited to pipes, channels structures, vegetation, berms, outlet structures, pond areas, access roads, or any other improvement relating to stormwater on the Property, but excluding any such improvements located on, under, or within any publicly owned rights of way (the “Stormwater Facilities and Improvements”). Adequate maintenance is herein defined as keeping such Stormwater Facilities and Improvements in good working condition such that they satisfactorily perform their intended design functions.

3. The Landowner, its successors and assigns, shall inspect the Stormwater Facilities and Improvements and submit an inspection report to the County on an annual basis. The purpose of the inspection is to assure safe and proper functioning of the Stormwater Facilities and Improvements located on the Property. Each annual inspection shall include a full and complete inspection of all Stormwater Facilities and Improvements located on the Property. Any and all deficiencies identified during such inspections shall be noted in the inspection report submitted to the County. The inspection report shall also include a detailed plan for any and all repairs to the Stormwater Facilities and Improvements necessary to correct any deficiencies identified during the inspection, with the repair plan to be prepared by a professional engineer, or some other duly qualified professional, licensed in the State of Georgia.
4. The Landowner, its successors and assigns, hereby grants permission to the County, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Facilities and Improvements as deemed necessary by the County for purposes of protecting the public health, safety or welfare, for purposes of investigating or inspecting any reported or suspected deficiencies in the Stormwater Facilities and Improvements on the Property, for purposes of responding to or investigating citizens’ complaints relating to the management or control of stormwater on the Property, or for any other purpose deemed necessary by the County. The County shall provide the Landowner, its successors and assigns, with a copy of the any inspection findings, as well as a directive to commence with any required repairs. To the extent that the County does not agree with or to the contemplated repairs proposed by the Landowner, the County may submit an alternate repair plan to the Landowner.
5. In the event the Landowner, its successors and assigns, fails to maintain the Stormwater Facilities and Improvements on the Property in good working condition acceptable to the County, or fails to make repairs as specified in the inspection report within a reasonable time frame as established by the County, with such timeframe not to be shorter than thirty (30) days, the County may enter upon the Property and take any and all action necessary to correct deficiencies identified in the inspection report. The Landowner, its successors and assigns, shall be responsible for any and all fees and expenses incurred by the County in taking such corrective action. This provision shall not be construed to allow the County to erect any structure of a permanent nature on the land of the Landowner outside the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that this Agreement imposes no obligation or responsibility on the County to

routinely maintain or repair any Stormwater Facilities and Improvements located on the property

6. The Landowner, its successors and assigns, will perform all work necessary to keep the Stormwater Facilities and Improvements in good working condition as required by the approved Plan, as well as by State and federal law, the Georgia Stormwater Management Manual, and any and all applicable County ordinances.
7. In the event that the County performs or undertakes work of any kind pursuant to this Agreement or expends any funds or resources in performance of said work for labor, use of equipment, supplies, material, and the like, the Landowner, its successors and assigns, shall reimburse the County upon demand, within thirty (30) days of receipt of same.
8. This Agreement shall impose no liability on the County with respect to the maintenance or repair of any Stormwater Facilities and Improvements on the Property, nor does the County assume any obligation or duty to undertake or perform any action allowed for, or permitted by, this Agreement. The Landowner, its successors and assigns, further agrees to indemnify and hold the County harmless from any liability arising out of the management, operation, maintenance, or failure of any Stormwater Facilities and Improvements subject to this Agreement.
9. Notwithstanding any right extended to the County pursuant to this Agreement, it is expressly recognized and acknowledged that the County retains all prosecutorial rights and remedies available to it, including the enforcement of any and all applicable County ordinances, against the Landowner, its successors and assigns, relating to the operation, maintenance, and/or repair of Stormwater Facilities and Improvements located on the Property.
10. This Agreement shall be recorded among the land records of Dawson County, Georgia, and shall constitute an agreement running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.

WITNESS the following signatures and seals

Company/Corporation/Partnership Name

{Seal}

By: _____
Signature

Print Name

Print Title

STATE OF _____

COUNTY OF _____

Sworn and subscribed before me this _____ day of _____, 2____.

Notary Public

My Commission Expires: _____

{Notary Seal}

**Attachment A
Responsible Person**

The Landowner hereby identifies the responsible person or position responsible for ensuring that the inspection and maintenance of the Stormwater Facilities and Improvements is accomplished according to the inspection and maintenance schedule prepared by the engineer of record for this

Property: _____
Address or Name of Property

as _____
Name and Title of Responsible Person

Results of the inspections shall be submitted annually to Dawson County.

Inspection reports shall be submitted to:

Dawson County
Stormwater Management Office
25 Justice Way, Suite 2322
Dawsonville, GA 30534

If the responsible entity or contact person changes Dawson County shall be notified in writing of the change not later than thirty (30) days from the effective date of such change.

Responsible Entity

Contact Name

Signature

Address

City, State, Zip Code

Phone Number

2015 Dawson County Stormwater Ordinance

Presented By: Robbie Irvin
Dawson County Stormwater Manager

Background...

Dawson County Was Designated a Small MS4 by the EPA. In March 2014 a letter addressed to Chairman Berg was received detailing our requirement to obtain coverage under the NPDES General Permit GAG61000

GAG61000 States:

The permittee must develop, implement and enforce a program to address storm water runoff into the MS4 from new development and redevelopment projects, including projects less than one acre if they are part of a larger common plan of development or sale, as described in Parts 4.2.5.1 and 4.2.5.2. **The program must ensure that controls are in place that will prevent or minimize water quality impacts.**

Additionally...

At a minimum, the post-construction stormwater management in new development and redevelopment program must contain the following requirements:

- Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- Ensure adequate long-term operation and maintenance of the BMPs.

And Finally...

Dawson County must implement either the latest Georgia Stormwater Management Manual (GSMM) or an equivalent local design manual.

At a minimum, the permittee shall apply the standards for new development and redevelopment to any site that meets one or more of the following criteria:

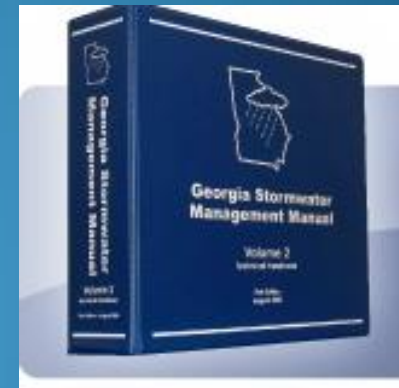
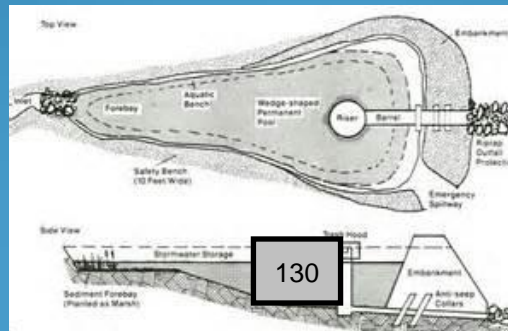
- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 5,000 square feet or greater.
- Redevelopment that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 1 acre or more, including projects less than 1 acre if they are part of a larger common plan of development or sale.

So ...

With those requirements in mind we are proposing a replacement to Dawson County's current Stormwater Management regulations (1997 Document) which includes a new concise Stormwater Management Ordinance which references the GSMM and which requires **Water Quality ONLY in the MANDATED MS4 AREA.**

QUESTIONS?

Proposed Public Hearing Dates:
May 21, 2015 and June 4, 2015



Backup material for agenda item:

6. Presentation of the Memorandum of Agreement (MOA) with the Atlanta Regional Commission (ARC) - Director of Administration David McKee



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: David McKee

Submitted By: D. McKee

Date Submitted: 4-14-2015

Item of Business/Agenda Title: Memorandum of Agreement (MOA) with Atlanta Regional Commission (ARC)

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: NONE

Purpose of Request: Review and approve the MOA with ARC

Department Recommendation: Approval

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

Yes Explanation/ Additional Information: Not at this time.
 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: *D. McKee* Date: 4-14-15

Finance Dept. Authorization: _____ Date: _____

County Manager Authorization: _____ Work Session Date: _____

Comments: _____



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Memorandum of Agreement(MOA) with Atlanta Regional Commission(ARC) _____

DATE: 4-14-2015 _____

- RECOMMENDATION
- POLICY DISCUSSION
- STATUS REPORT
- OTHER

BUDGET INFORMATION:
ANNUAL- _____
CAPITAL- _____

COMMISSION ACTION REQUESTED ON: 5-7-2015 _____

PURPOSE: ARC has complete the MOA with each entity that has been included in the Atlanta Urbanized Area (UA), and requested approval of the agreement from each entity.

HISTORY: A small portion of Dawson County was included in the Atl UA following the 2010 census. Staff worked with ARC to determine options for membership in the Metropolitan Planning Organization (MPO). Staff presented the options to the BOC in June of last year and the board elected to have GDOT represent Dawson in the MPO and attend all MPO meetings.

FACTS AND ISSUES: GDOT is currently attending the meeting and coordinating with county staff as needed

OPTIONS: approve the MOA as presented or recommend changes

RECOMMENDED SAMPLE MOTION: Motion to approve the MOA as drafted

DEPARTMENT: Administration

Prepared by: D. McKee

Director D. McKee

**2015 Memorandum of Agreement
Transportation Planning Coordination and Cooperation
between the Atlanta Regional Commission,
Dawson County and the Georgia Department of Transportation**

SECTION 1: PURPOSE

This Memorandum of Agreement (MOA) defines the roles and responsibilities of the Atlanta Regional Commission as the Atlanta Metropolitan Planning Organization (MPO), Dawson County and the Georgia Department of Transportation in the continuing, cooperative and comprehensive transportation planning activities of the Atlanta Metropolitan Transportation Planning Area.

The Atlanta Regional Commission (ARC) is the federally designated Metropolitan Planning Organization (MPO) for the Atlanta Metropolitan Transportation Planning Area as well as the state designated Metropolitan Area Planning & Development Commission (MAPDC) with the responsibilities of a Regional Commission (RC). The ARC as a Regional Commission is composed of officials of political subdivisions and private citizens representing districts of approximately the same population within the Atlanta metropolitan area as determined from time to time in accordance with the provisions of Chapter 8 of Title 50 of the official Code of Georgia Annotated. Such composition provides representation to local governments within the area.

In March 2012, the US Census Bureau designated the Atlanta Urban Area using 2010 Census results, in portions of 23 counties.

- **In September 2014, the Governor of Georgia approved a revised Atlanta Metropolitan Transportation Planning Area, to include all or portions of 19 counties - the Atlanta Regional Commission's ten counties in total (Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale); Coweta, Forsyth and Paulding Counties in total; and portions of 6 adjacent counties (Barrow, Dawson, Newton, Pike, Spalding and Walton).**
- **Transportation planning within the portions of the Atlanta Urban Area in 3 additional counties containing a portion of the Atlanta Urbanized Area will be the responsibilities of adjacent Metropolitan Planning Organizations as defined through formal agreements. The portions of the Atlanta Urban Area within Hall and Jackson Counties have been assigned to the Gainesville-Hall Metropolitan Planning Organization. The portions of the Atlanta boundary within Bartow County will be assigned to the Cartersville-Bartow Metropolitan Planning Organization.**

- **Currently, incorporation of the portion of the Atlanta Urbanized Area within Carroll County into a metropolitan transportation planning process as required, is yet to be resolved.**

Although Dawson County is a member of the Georgia Mountains Regional Commission, the State of Georgia determined that Dawson County may become a limited member of the Atlanta Regional Commission for the purpose of transportation planning, while still maintaining full membership in the Georgia Mountains Regional Commission.

SECTION 2: DEFINITIONS

The following terms used in this MOA shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. 3-C Planning Process** means a continuing, cooperative and comprehensive transportation planning process as defined in Title 23 USC §§ 134 and Section 5303 of the Federal Transit Act that leads to the adoption, by the MPO, of a metropolitan transportation plan and a Transportation Improvement Program (TIP). The Plan and the TIP provide for the development and operation of an integrated transportation system that facilitates the efficient movement of people and goods.
- B. Atlanta Metropolitan Transportation Planning Area** means the political subdivisions encompassed in the Transportation Planning Boundary established by ARC and the Governor pursuant to 23 CFR 450.308(b) to reflect the Atlanta Urbanized Area identified by the U. S. Census Bureau in the most recent census.
- C. Atlanta Regional Commission (ARC)** means the multipurpose, comprehensive regional planning agency created pursuant to State law and designated as the planning agency for the Atlanta Region for all federal and state programs which require or encourage areawide planning. ARC is designated by the Governor of the State of Georgia as the Metropolitan Planning Organization for the Atlanta area pursuant to the Federal Aid Highway Act (23 U.S.C. § 101 et seq.), the Federal Transit Act (49 U.S.C. Appx § 1601 et seq) and other applicable federal and state laws.
- D. Georgia Department of Transportation (GDOT)** means the Department designated as the state transportation agency under Georgia law, to carry out a statewide transportation planning process as required by Title 23 U.S.C 135. GDOT is authorized by Georgia Code to organize, administer, and operate an efficient, modern system of public roads and other modes of transportation including public transit, rail, aviation and ports.
- E. Limited Membership** is applicable to counties in adjacent Regional Commissions, that are included in the Atlanta Metropolitan Transportation Planning Area in total or part. The limited membership is for transportation planning purposes only and does not require any annual Regional Commission dues to ARC.

- F. Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision-making for the metropolitan planning area. The MPO is responsible for the 3C planning process required by Title 23 USC 134.
- G. Regional Transportation Plan (RTP)** means the financially balanced 20 year or more multimodal transportation plan that leads to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods.
- H. Transportation Improvement Program (TIP)** means the financially balanced, staged, short-term, multi-year intermodal program of transportation projects covering a Metropolitan Transportation Planning Area which is consistent with the Regional Transportation Plan, and developed pursuant to 23 CFR 450.
- I. Transportation & Air Quality Committee (TAQC)** means the transportation policy committee of the ARC. TAQC serves as the body to develop consensus among the ARC, MARTA GDOT and GRTA regarding metropolitan or multi-jurisdictional transportation related policy matters potentially affecting the Area. TAQC shall transmit its recommendations directly to the Commission. TAQC holds regularly scheduled meetings which are open to the public.
- J. Transportation Coordinating Committee (TCC)** means the transportation technical committee of the ARC. TCC is responsible for providing local government input on planning issues and evaluating information in order to provide technical advice to TAQC. TCC holds regularly scheduled meetings which are open to the public.
- K. Unified Planning Work Program (UPWP)** means that document developed annually pursuant to 23 CFR 450.314 and adopted by the MPO describing planning activities to be performed in the next fiscal year within the Metropolitan Transportation Planning Area; in sufficient detail to indicate who will perform the work, the schedule for completion, associated budget and the products that it will produce.

SECTION 3: ORGANIZATIONAL ROLES & RESPONSIBILITIES

- A. ATLANTA REGIONAL COMMISSION (ARC), as the MPO, shall be responsible for the following:**
1. Develop and maintain a long range Regional Transportation Plan (RTP), a short range Transportation Improvement Program (TIP) and a Unified Planning Work Program (UPWP) for the Atlanta Metropolitan Transportation Planning Area pursuant to federal requirements.
 - i. Prepare and publish a fiscally balanced 20 year or more multimodal RTP that leads to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The RTP shall conform with new planning goals, objectives, policies, or developments in areas including, but not limited to, subarea and intermodal studies and planning for transit, freight, and bicycles and pedestrians.
 - ii. Prepare, publish and maintain a financially balanced multimodal TIP for a four year or more period.
 - iii. Prepare, in cooperation with GDOT, GRTA, MARTA, EPD, local governments and local government transit providers acting through the Transportation Coordinating Committee, an annual Unified Planning Work Program (UPWP) to document planning activities to be performed in the next fiscal year, in sufficient detail to indicate who will perform the work, the schedule for completion, associated budget and the products that it will produce.
 2. For required technical analysis of RTP and TIP updates and amendments, to demonstrate to USDOT and USEPA that anticipated emissions of pollutant precursors fall below set limits, ARC will perform the technical analysis to demonstrate conformity of the Atlanta Nonattainment Area, in coordination with GDOT, EPD and adjacent MPOs with portions of their planning area in the nonattainment area.
 3. Coordinate the development of plans and programs and related air quality conformity findings with transportation providers, GDOT, EPD, MARTA, adjacent MPOs, citizens, affected parties and local governments.
 4. Develop the RTP and TIP for the expanded Atlanta Metropolitan Transportation Planning Area in a cooperative effort with transportation planning partners through the metropolitan transportation planning process as detailed in the annual Unified Planning Work Program.
 - i. **For the applicable 17 counties within the Metropolitan Transportation Planning Area since at 2004 or before (ARC 10 counties plus all of Coweta, Forsyth and Paulding, and parts of Barrow, Newton, Spalding, Walton), ARC**

- a. Develop and maintain base and projected population, housing, employment, economic, vehicle, land use data and special trip generators by traffic zone; and provide information to planning process participants as requested.
 - b. Periodically review traffic zone boundaries and make appropriate recommendations to the Transportation Coordinating Committee (TCC) and cooperate with the GDOT in revision of said boundaries.
 - c. Update and maintain maps showing existing and proposed land use, and make appraisals of actual land use development in comparison with projections.
- ii. Coordinate with outlying counties in the Atlanta Metropolitan Transportation Planning Area, as applicable, on the development of data necessary for the transportation planning process.
- 11. Provide available maps, aerial photographs, charts, records, and directories to the extent possible.
 - 12. For the ten county area, provide technical assistance to local governments as they prepare, update and implement local comprehensive plans as required by the Georgia Planning Act of 1989. ARC will also review comprehensive plans for internal consistency; opportunities for cooperation; conflicts with other local plans; and conflicts with regional plans.
 - 13. Provide other assistance as mutually agreed upon.
- B. **DAWSON COUNTY**, by this formal agreement, acknowledges that due to the relatively small portion of the county within the Metropolitan Transportation Planning Area, the county desires no formal participation in the policy and decision-making the Atlanta metropolitan transportation planning process at this time.

For transportation projects identified within the portion of Dawson County within the Atlanta Metropolitan Transportation Planning Area, the county will provide details of projects for which local funding has been identified, to the Atlanta Regional Commission for inclusion in the RTP and TIP, if applicable.

- C. **GEORGIA DEPARTMENT OF TRANSPORTATION** shall be responsible for the following:
- 1. Program Dawson County projects using federal transportation funds identified by GDOT and, in coordination with Dawson County, provide projects in the Dawson County portion of the Atlanta Metropolitan Planning Area to ARC for inclusion in the RTP and TIP.
 - 2. Assist the County in development of planning data.
 - 3. Provide other assistance as mutually agreed upon.

SECTION 6: COMPLIANCE WITH APPLICABLE LAWS & REGULATIONS

All parties shall comply with all applicable local, state, and federal laws and regulations. Nothing in this MOA alters, or seeks to alter, the existing statutory authority of any party under state or federal law. If any of the provisions of this MOA are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 7: AMENDMENTS & MODIFICATIONS

Any party may request changes to this MOA at any time by written notice to the other party’s signatory of this agreement. Such changes as are mutually agreed upon by and between the parties shall be incorporated in written amendments to this MOA executed in the same manner as original MOA approval.

SECTION 8: NOTIFICATION

Any official notifications between the parties to this MOA that would substantially affect the terms or conditions of this MOA shall be directed to the office of the signatories to this agreement.

In witness whereof, the parties hereto have executed this Memorandum of Agreement, this _____ day of _____, 2015.

Attest:

Atlanta Regional Commission

Director

Attest:

Dawson County

County Commission Chairman

Attest:

Georgia Department of Transportation

Commissioner

Backup material for agenda item:

7. Presentation of Trauma Course Funding for Emergency Services Personnel - Emergency Services Director Billy Thurmond



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: 04-14-2015

Item of Business/Agenda Title: Trauma Course Funding for Emergency Services Personnel

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: The electronic application has to be submitted by April 30th

Purpose of Request: Seek funding from the Trauma Commission to pay for two classes with grant funds that we normally pay for internally.

Department Recommendation: Approval to apply for the trauma course funding

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 100% reimbursed upon completion and submission of course paperwork

Amount Requested: \$4,500.00 (application amount) Amount Budgeted: none (no match grant)

Fund Name and Account Number: 250-00-3926-523700-000 Education and Training

Administration Staff Authorization

Dept. Head Authorization: Billy Thurmond Date: 04-14-2015

Finance Dept. Authorization: Dena Bosten Date: 04-14-2015

County Manager Authorization: CINDY CAMPBELL Work Session Date: 04/23/2015

Comments: _____



DAWSON COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Trauma Course Funding for Emergency Services Personnel

DATE: 04-14-2015

BUDGET INFORMATION:

ANNUAL- _____
CAPITAL- _____

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

COMMISSION ACTION REQUESTED ON: Approval to submit Trauma Commission Grant for ES courses .

PURPOSE: The Georgia Association of EMS has partnered with the Georgia Trauma Commission to facilitate the distribution of funds earmarked for the coordination and delivery of approved Trauma Courses for Emergency Services personnel.

HISTORY: Since the establishment of the Ga. Trauma Commission, counties have been able to seek funding for training and equipment.

FACTS AND ISSUES: Electronic registration is between April 15-30. Maximum course size is 24 students. Maximum funding is \$4500 per class. 100% reimbursement. County must follow all registration and program requirements. PHTLS and Emergency Pediatric Care are two courses we offer annually.

OPTIONS: Continue to fund courses out of annual budgeted training funds.

RECOMMENDED SAMPLE MOTION: Approval to apply electronically for funding for trauma courses for Emergency Services personnel

DEPARTMENT: ESA

Prepared by: Billy Thurmond

Director Billy Thurmond



"Dedicated to Quality Pre-Hospital Care"

Georgia Association of Emergency Medical Services, Inc.
P.O. Box 836
Fitzgerald, Georgia 31750
Website: www.ga-ems.com

To: Trauma Course Coordinators
From: Cathy M. White, Program Coordinator
Re: Funding for Trauma Courses
Date: April 2015

The Georgia Association of EMS has partnered with the Georgia Trauma Commission to facilitate the distribution of funds earmarked for the coordination and delivery of approved Trauma Courses for Emergency Services personnel.

The purpose of this document is to provide coordinators with the information necessary to seek approval through GAEMS for the use of these funds.

Currently, the funds are approved to cover course expenses for Pre-Hospital Trauma Life Support, International Trauma Life Support and Emergency Pediatric Care programs. These funds are provided to ensure participants can attend these programs at no charge. Our goal is to reach 'statewide' and make this training accessible to as many providers as possible. The class must be an 'open' registration course and not limited to a specific set group.

To be eligible for the funds, Course Coordinators must agree to the following:

- 1) Electronic registration for consideration of a course must be between the following dates April 15, 2015 and April 30, 2015 at the following link:

[GAEMS Trauma Course Application](#)

You will be requested to include the type of program (PHTLS/ITLS, EPC), anticipated dates of the course, course coordinator and contact information, number of students expected (maximum number per course is 24 students), and a tentative budget. Total maximum amount available per class is \$4500.00 (rate flexes according to the number of students).

- 2) After the course request is made and approved, the course will be placed on the GAEMS Trauma Course calendar.

- 3) GAEMS does not recommend combining “paying” students with “grant funded” students. In an effort to maintain records of grant funds distribution, we would prefer that all students attending a class placed on the GAEMS Trauma Calendar be covered under the grant funds.
- 4) Course coordinators must agree to follow all program coordination requirements. Courses must be approved and registered through NAEMT PHTLS/EPC or ITLS (*Course coordinators work with their local Chapter or Training Centre to schedule and register an ITLS course. If the Chapter or Training Centre uses CMS, the course request is submitted through CMS and approval is granted by the Chapter or Training Centre*) as required, student/instructor ratios must be maintained, and all quality assurance mechanisms required to be in place must be met and the course must be listed as an OPEN course.
- 5) Coordinators may seek additional financial support for the program through their community, employers, donations, etc. However, the coordinator agrees to ensure the student participates free of charge, and is not required to pay for any portion of course expenses.
- 6) The Trauma Commission funds DO NOT cover travel/lodging expenses for the students or instructors. Instructors are paid at a flat fee per day.
- 7) Trauma Commission funds are NOT to be used to cover expenses for food such as breakfast, lunch, snacks, or breaks.
- 8) The Trauma Commission funds may be used to purchase textbooks for each individual student, OR, to purchase a library of textbooks for the host facility. If the textbooks are purchased for the host facility, the facility is responsible for ensuring students receive and return books prior to and after the course. The facility should also agree to use the texts for the delivery of additional classes, even if not funded through the Trauma Commission grant. No more than 24 “library” textbooks will be purchased for any given facility. Only one bank of textbooks will be allowed per coordinator/host facility.
- 9) If the Coordinator desires GAEMS to provide the textbooks for the course, arrangements should be made well in advance to place the order, and pick the books up from the GAEMS office at GPSTC.
- 10) If the Coordinator desires to use GAEMS equipment during the course, the specific equipment should be requested in advance, and arrangements must be made to pick the equipment up from (and return equipment to) the GAEMS office at GPSTC.

Requirements for Reimbursement:

The Coordinator also agrees to provide GAEMS with the required documentation for reimbursement *no later than **20 days*** of the conclusion of the course. Required documentation includes:

- 1) Official, **final student roster including course approval number** and all names and contact information of students completing course (home mailing addresses and phone number). *A copy of the Official Roster will be provided to the Course Coordinator.*

- 2) Official NAEMT Invoice for PHTLS/EPC courses, or official ITLS Invoice for ITLS courses which indicates the amount owed/to be paid to that organization.
- 3) An itemized invoice on agency letterhead outlining all expenses (to be reimbursed) for the course. This list includes, but is not limited to,
 - a. Administrative (printing, postage, etc.)
 - b. Names of all instructors and other staff, the number of hours assisting in the course, and the amount each participant is to be paid along with a completed **W-9** from every instructor.
 - c. Any other expenses directly related to the delivery of the course. Receipts may be requested to support expenses.

GAEMS will mail checks directly to the recipient (participating instructor). Therefore, a list of mailing addresses for each recipient must be included.

Student/card fees will be mailed directly to NAEMT (for PHTLS/EPC classes) or Georgia ITLS (for ITLS classes). Therefore, the official invoice for the course and the amount due must also be included.

If books were purchased by the host facility for the course, the invoice for the books must also be included. Reimbursement for the purchase of the books will be paid to the host facility. When requesting reimbursement for the books, please indicate to whom the check should be cut, (ie, "ABC Technical College" or "ABC Medical Center") and the contact person and address to which the check should be mailed.

The purpose of these funds is to ensure a fair and equal distribution of quality trauma courses around the state. It is the desire of GAEMS to facilitate the coordination of PHTLS, EPC and ITLS classes at different dates and locations throughout the year. To ensure fair practice, GAEMS will limit the funding to two classes per host facility during the funding period. Requests from Coordinators to utilize the same host facility for more than two courses will be reviewed on a case-by-case basis.

If you have any questions, or need further clarification, please feel free to contact Cathy White 678-283-4542(cell) or at 60whitehouse@gmail.com

Please be aware that we may have further Grant funding for PHTLS, EPC and ITLS in the very near future. Future announcements will be forthcoming.

I am thanking you in advance for your cooperation.

This Program is made possible by State of Georgia funding provided through the Georgia Trauma Care Network Commission

Backup material for agenda item:

8. Presentation of the Ordinance to Amend the Compensation of the Chairman and Commissioners - County Attorney Joey Homans



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: 04/15/2015

Item of Business/Agenda Title: Presentation of the Ordinance to Amend the Compensation of the Chairman and Commissioners

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 to move forward with public hearings on the Ordinance to Amend the Compensation of the Chairman and 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: _____

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: _____ Date: _____

County Manager Authorization: CINDY CAMPBELL Work Session Date: 04/23/2015

Comments: _____

Attachments: Draft Ordinance

**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

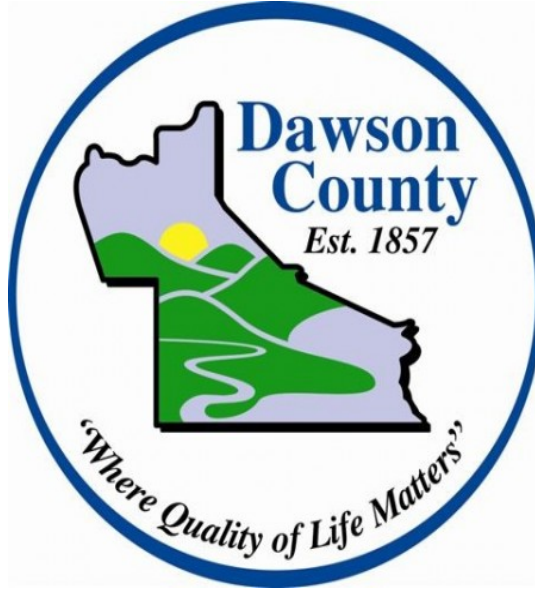
Commissioners - All Districts

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:

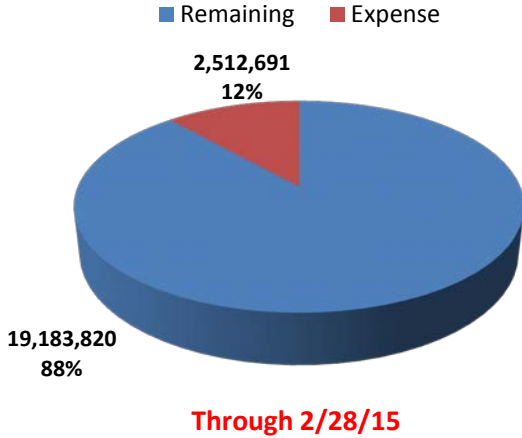
9. County Manager Report



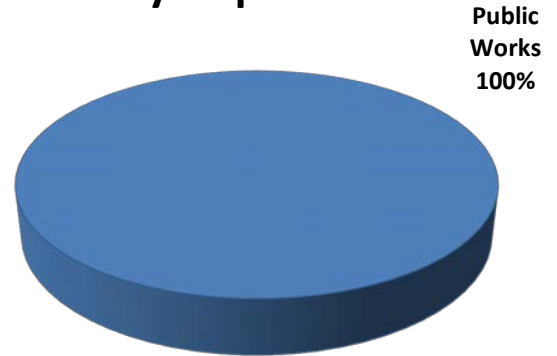
Key Indicator Report

March 2015

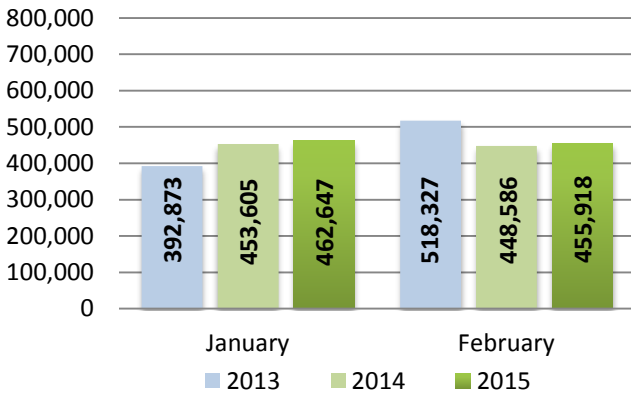
Budget



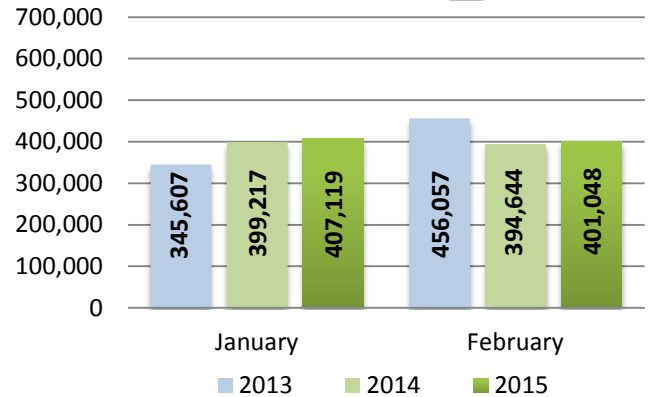
311 Requests By Department



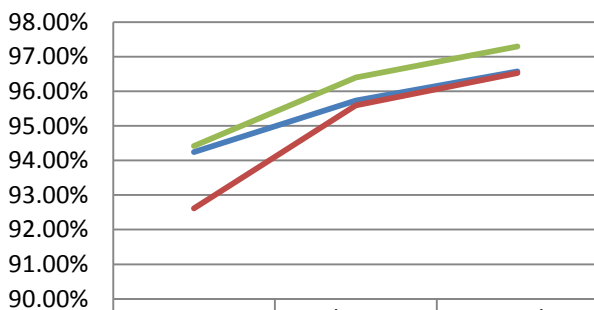
SPLOST 1.6%



LOST 1.6%

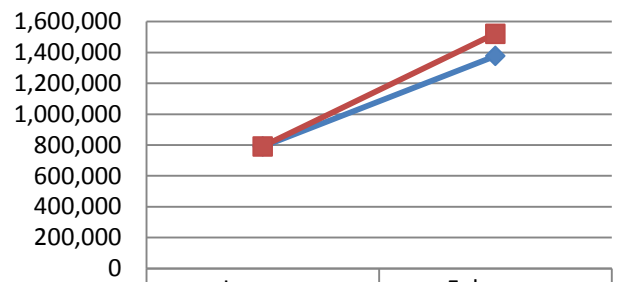


Property Collections



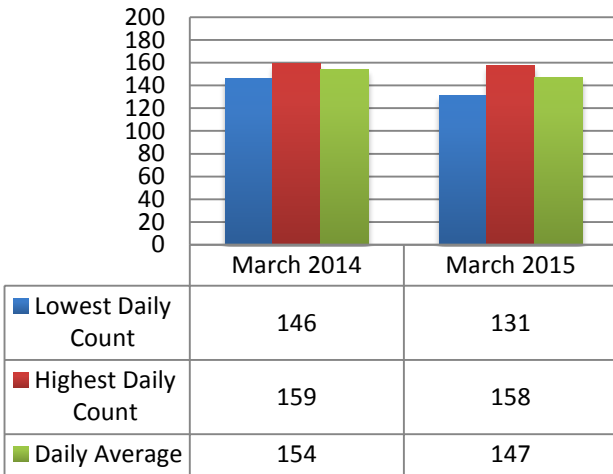
Year	January	February	March
2012	94.24%	95.73%	96.57%
2013	92.61%	95.59%	96.53%
2014	94.42%	96.40%	97.29%

All Revenue Per Month

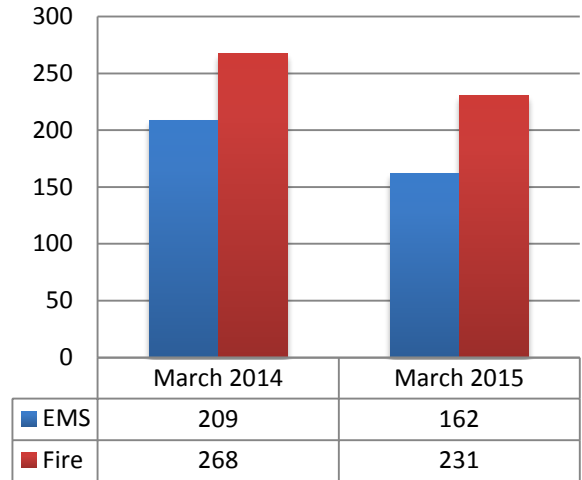


Year	January	February
2014	790,257	1,377,525
2015	791,457	1,521,261

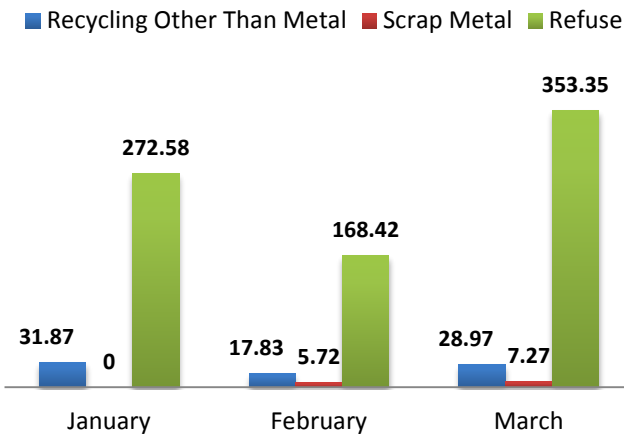
Inmate Population



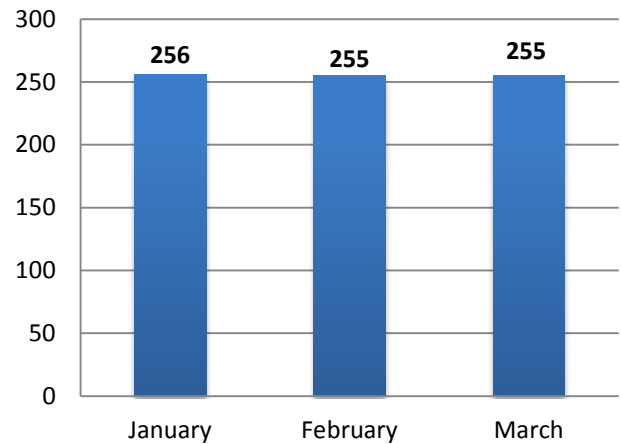
EMS/Fire Calls for Service



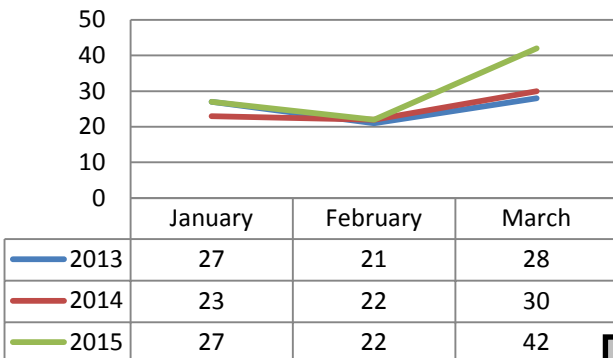
Recycling



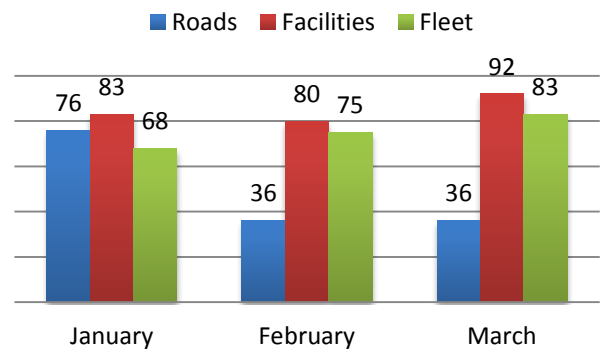
Number of Employees



Permits Issued (Planning & Development)



Repair Requests (Public Works)





Dawson County Board of Commissioners

Elections/Registrar Monthly Report – March 2015

- **New Applications/Transfers In: 60**
- **Changes/Duplicates: 214** (169 of 214 is credit for voting for remainder of Advance Voting)
- **Cancelled/Transferred Out: 31**
- **Total Processed: 305**

HIGHLIGHTS

Voter Registration Projects:

- Continue the project of scanning & indexing voter registration information in aX's software.
- Updating information for voter registration drives in preparation for April (April is High School Voter Registration Month statewide) and 2016 elections.

2015 Municipal Election:

- Municipal General Election – November 3, 2015

Voter Registration Cutoff:	October 5, 2015
Qualifying – Municipal:	August 31-September 4, 2015 8:30am – 4:30pm @ Elections office
Absentee by Mail & Advance Voting:	October 12-October 30, 2015

Elections Projects:

- ELOST & Municipal Specials are complete. Invoicing for each should be finalized by April 6th.
- Voting equipment inventory: check for repair/battery replacement.
- Annual reviews for Poll Managers are complete. They will be reviewed by the BOER at our April meeting and forwarded to HR for filing.

Highlights of plans for upcoming month:

- Research cost and logistics of additional Easy Vote modules that could potentially be a positive impact on the office. (Easy Vote module presently in use is the advance voting module where applications are prepopulated with voter information; license scanning & immediate report access)
- Finalize annual review for Election Supervisor/Chief Registrar. BOER has evaluation and will complete at April scheduled board meeting.



Dawson County Board of Commissioners

Emergency Services Monthly Report – March 2015

Fire Responses:	January	February	March
2013	223	177	230
2014	268	202	268
2015	280	288	231

EMS Responses:	January	February	March
2013	220	133	184
2014	193	174	209
2015	214	179	162

Plan Reviews: 9

EMS Revenue:

- February 2014: \$32,176.49
- February 2015: \$42,803.82
- 24.9% increase

Plan Review and Inspection Revenue Total: \$600.00

- County: \$300.00
- City: \$300.00

Business Inspections Total: 10

- County Follow up: 5
- City Follow up: 0
- County Final Inspection: 3
- City Final Inspection: 2
- County Annual Inspections: 0
- City Annual Inspections: 0

HIGHLIGHTS

Dawson County Emergency Services Projects:

- Training hours completed by staff: 1,088
- PR Details (daycare field trips, CPR classes, visiting schools, etc.): 11
- Smoke detector installations: 6
- Search and Rescue: 2
- Fire hydrant flow test, service and painting continues
- 1 fire investigation
- Pre-Fire plans: 91
- Total water usage: 27,550 gallons
(Etowah Water & Sewer: 20,500 gallons; city: 7,000 gallons; Pickens County: 50 gallons)
- ISO evaluation completed



Dawson County Board of Commissioners

Finance Monthly Report – March 2015

FINANCE HIGHLIGHTS

- **LOST Collections:** \$401,048 – up 1.6% compared to 2014
- **SPLOST Collections:** \$455,918 – up 1.6% compared to 2014
- **TAVT:** \$70,976 – up 6.1% compared to 2014
- **See attached Revenue and Expenditure Comparison for 2015**
- **Total County Debt:** \$11,800,243.37 (See attached Debt Summary)
- **Audit Status:** Auditors have completed fieldwork in County offices.
- **Budget Status:** FY2016 budget planning to begin in mid-April.

PURCHASING HIGHLIGHTS

Formal Solicitations

- Course Aggregates (Gravel) for FY2016
- Vehicles (6) for Administrative Departments
- Task Order Bids for Disaster Debris Services

Informal Solicitations

- Storage doors at Rock Creek Park (replacement and install)
- Tree removal and stump grinding at War Hill Park
- Advertisement at movie theater for underage drinking prevention (Family Connection)

Pending Projects

- None

Work in Progress

- DCSO Inmate Telephone Systems
- Convenience Pay Billing (Credit/Debit Card Services)

Future Bids

- Vehicle Lease (11) for DCSO
- TE Trail Grant Project
- Methane Flares at the Transfer Station
- FY 2016 Bids:
 - Auditing Services
 - Janitorial Supplies
 - Property & Liability
 - Broker Services
 - HVAC Maintenance
 - Offender Home Monitoring (House Arrest)
 - Youth Sports Photography
 - DCES Uniforms
 - Inmate Food Services

**ACTUAL COMPARISON
JANUARY - DECEMBER 2015**

MONTH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec*	YTD
2014 REVENUE	790,257	1,377,525	1,417,196	1,507,900	1,501,846	1,507,986	1,600,030	1,550,302	1,537,413	2,534,763	1,571,762	2,761,600	2,167,782
2015 REVENUE	820,947	1,521,261											2,342,208
% CHANGE	4%	10%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	8%
2014 EXPENSE	1,063,535	1,518,729	1,442,613	1,409,211	1,785,823	1,729,336	1,409,860	1,355,762	1,599,132	1,855,090	1,661,260	1,981,115	2,582,264
2015 EXPENSE	1,105,357	1,407,334											2,512,691
%CHANGE	4%	-7%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-3%
2013 Total Rev-Exp	\$ (284,410)	\$ 113,927	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	(170,483)

REVENUE
 FY 2014 YTD 2,167,782
 FY 2015 YTD 2,342,208
 % Changed 8.05%

EXPEDITURES
 FY 2014 YTD 2,582,264
 FY 2015 YTD 2,512,691
 % Changed -2.69%

***NOTE:** Adjustments will be made during the year-end close out. The actual revenue and expenditure totals are subject to change pending normal year-end adjustments such as accruals and results of the audit.

**DAWSON COUNTY
DEBT SCHEDULE**

AS OF 3/31/2015

DEBT DESCRIPTION	BANK/PAYEE	CURRENT SOURCE OF PAYMENT	DEBT ORIGINATION DATE	DUE DATE OF FINAL PMT	PRINCIPAL BAL AT 12/31/2014	NEW LOANS IN 2015	2015 PMTS TO DATE		BALANCE DUE	PENDING 2015 PAYMENTS		PROJECTED BAL AT 12/31/2015	NOTES
							PRINCIPAL	INTEREST		PRINCIPAL	INTEREST		
2007 SPLOST 5 Bonds	Regions Bank	SPLOST 5	12/27/2007	7/1/2015	7,865,000.00	-			7,865,000.00	7,865,000.00	393,250.00	-	SPLOST 5 Collections/Construction funds from bond proceeds reserved for debt service
2012 EWSA Bonds	Community & Southern Bank	General Fund	5/14/2012		2,905,000.00	-	10,000.00	42,994.00	2,895,000.00	-	42,846.00	2,895,000.00	Partial defeasement of bonds in April 2012 reduced principal by \$1,525,000. Refunded Bonds and received lower interest rate of 2.96% on 5/14/2012. Interest due semi-annually on March 1 and Sept. 1.
Hwy 9 S land-EWSA Note	Community & Southern Bank	General Fund			Debt - this loan is on EWSA's books, however, the County pays the interest from General Fund (about \$3,700 per month)	-		10,732.50	-	-	32,197.50	-	This loan is on EWSA's books, however, thru an intergovernmental agreement, the County pays the interest. Also, any proceeds from the sale of wetland and stream bank credits the County receives is paid toward the principal of the loan. The current principal amount is \$1,431,000 at an interest rate of 3%. Accrued interest will be paid monthly.
Fire Truck Lease	Oshkosh Capital	General Fund	1/24/2011	9/24/2022	835,243.37	-			835,243.37	90,679.46	33,326.20	744,563.91	12-yr lease/purchase for 3 pumper trucks; annual payment of \$124,005.66
Vehicle Replacement Lease	TBD	General Fund	2015	2018	-	205,000.00			205,000.00			205,000.00	This amount was approved for vehicle replacement leases in the FY2015 budget. Eligible departments are working with Purchasing to bid out replacement vehicles.

Totals \$ 11,605,243.37 \$ 205,000.00 \$ 10,000.00 \$ 53,726.50 \$ 11,800,243.37 \$ 7,955,679.46 \$ 501,619.70 \$ 3,844,563.91



Dawson County Board of Commissioners

Human Resources Department Monthly Report – March 2015

POSITION CONTROL13200

- Positions approved by BOC: 426
- # of filled F/R Positions: 255
- # of filled F/T Positions: 0
- # of filled Grant Funded Positions: 7
- # of filled P/R Positions: 48
- # of filled P/T Seasonal Positions: 14
- # of Supplemental Positions: 49
- # of Vacant Positions: 18
- #of Frozen Positions: 35
- % of Budgeted/Actual Positions: 88%

ADDITIONAL INFORMATION

- FMLA/LOA tracking: 3
- WC and/or P & L claims filed: 7
- Unemployment claims received: 0
- Performance Evaluations received: 10
- Payroll/Benefit changes keyed: 123

HIGHLIGHTS

Positions Advertised/ Posted: 2

- Parks and Recreation - Lifeguard
- Planning and Development - Zoning Administrator

Applications Received: 26

New Hires added into system: 3

- Tony Ashe- Marshal's Office
- Joshua Jones- Public Works
- Lawrence Veloce- Public Works

Terminations Processed: 2

- Ryan Leach - Emergency Services (Resigned)
- Katie Pritchard - Parks & Recreation (Resigned)

Additional Highlights for March

- Director of Administration David McKee worked with Purchasing to bid out Property and Liability Insurance Services. The bid is scheduled to be released April 1, 2015.
- Director McKee visited each county department to discuss recently distributed benefit statements.
- HR Specialist Cindy Webber completed her final two classes through Local Government Risk Management Services and achieved her Local Government Safety Coordinator Certification.
- HR Director Danielle Yarbrough completed Family and Medical Leave Act Training.
- HR coordinated employee appointments with GEBCorp Representative Ryan Reynolds upon his visit to Dawson County.
- Created and implemented Employee Exit Forms
- Began discussions with Northwestern Benefi ding Benefits Renewal and Open Enrollment



Dawson County Board of Commissioners

Information Technology – March 2015

- **Calls for Service: 129**
- **Service Calls Completed: 129**
- **Average Response Time: 33 minutes**
- **Windstream visits: 1 onsite, 1 remote fix**

HIGHLIGHTS

- Assisted with running electrical wiring for repeater tower to generator
- Ran category data cabling for Sheriff's Office intercom system upgrade
- Finished replacing XP computers in Sheriff's Office with Windows 7 computers



Dawson County Board of Commissioners

Margie Weaver Senior Center Monthly Report – March 2015

SENIOR CENTER

- **Home Delivered Meals Served: 1,900**
- **Congregate Meals Served: 480**
- **Physical Activity Participation: 234** (Tai Chi, Silver Sneakers, individual fitness)
- **Lifestyle Management Participation: 179** (art, bridge, bingo, awareness, prevention)

HIGHLIGHTS

March Events:

- Artists are gearing up for their annual Art by the Young At Heart Show on May 9th.
- Center Staff cooked for the annual Rotary Breakfast on March 12th. The club donated \$1,000 to the center.
- Representative Kevin Tanner, Commissioner Sharon Fausett, and County Manager Cindy Campbell delivered meals to clients as part of the Meals on Wheels Campaign.

Special Dates Coming Soon:

- Wal-Mart – April 1, 15, 29
- Aldi's – April 2
- Easter Lunch at Ryan's – April 3
- BINGO – April 6, 13, 20, 27
- Dollar Tree, Dahlonga – April 8
- Birthday Celebration & Movie – April 10
- Belk Shopping Trip – April 14
- Movie and Popcorn – April 17, 24
- Dollar General – April 21
- Bucket List Trip (Foxfire Museum) – April 22
- Dairy Queen – April 28

TRANSIT

- DOT Trips Provided: 310
- Senior Trips Provided: 615
- # of Miles: 7,816
- Gallons of Fuel: 932



Dawson County Board of Commissioners

Marshal Monthly Report – March 2015

- **Alcohol License Establishment Inspections:** 0
- **Alcohol Pouring Permits Issued:** 28
- **Animal Control Calls Handled:** 155
- **Animal Bites to Human investigated:** 0
- **Animals Taken to DC Humane Society:** 30
- **Dangerous Dog Classification:** 0
- **Citations Issued:** 0
- **Complaint Calls/In Field Visits:** 73
- **Erosion Site Visits:** 2
- **E-911 Addresses Issued:** 19
- **Non-conforming Signs Removed:** 97

HIGHLIGHTS

- Tony Ashe started as new Animal Control/Code Enforcement Officer on March 2, 2015.

Staff Training:

- None at this time.



Dawson County Board of Commissioners

Parks and Recreation Monthly Report – March 2015

- **Youth Sports Participants**
 - March 2015: 1,091 up 11% compared to same month last year
 - YTD 2015: 1,909 up 5% compared to last year
- **Facility Rentals/Bookings/Scheduled Uses:**
 - March 2015: 1,196 down 8% compared to last year
(decrease due to weather and weather related closures)
 - YTD 2015: 2,750 down 20% compared to last year
- **Adult and Youth Wellness and Specialty Program Participation:**
 - March 2015: 2,599 up 18% compared to same month last year
(increase due to Opening Day numbers increase)
 - YTD 2015: 3,517 up 34% compared to last year
- **Total Customers Served:**
 - March 2015: 4,886 up 11% compared to same month last year
 - YTD 2015: 8,709 up 10% compared to last year

HIGHLIGHTS

Park Special Events:

- Opening Day at Rock Creek Park was held on March 21, 2015 with more than 2,500 in attendance.
- Field 10 at RCP was dedicated to Brandon Weaver during Opening Day Ceremony upon recommendation from the Dawson County Park Board.

Park Projects:

- 16 trees were removed from various campsites at War Hill Park. Trees were creating issues with ingress and egress to the campsites as well as obstructing slides from opening. All mulch from the tree removal was deposited in the free mulch bin. Wood was cut in log lengths, stacked and left for campers.
- War Hill Park campground opened March 28th for the 2015 camping season.

Athletic and Program Summary:

- Spring Sports baseball, softball, soccer and track games and meets began March 21, 2015.
- Specialty programs for March included adult boot camp, dance, tennis lessons, Tai Chi, Yoga, and Zumba
- Summer/Fall Activity Guide ad sales, layout and development began in March.

On the Horizon:

- Community Egg Hunt - April 4, 2015 at VMP
- Baseball and Softball All-Star selections in May
- Water Jump at WHP - May 6, 2015
- Pool opens May 23, 2015 through Labor Day
- Rotary Island opens May 23, 2015 through La

Annual Program Data

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Spring									
Baseball	243	270	251	239	238	220	204	241	260
T-Ball	120	108	134	113	133	108	114	138	124
Softball	107	110	114	116	117	107	99	121	124
Soccer	362	463	383	333	390	280	360	239	265
Inst. League	53	44	56	63	44	59	54	67	71
Adult Coed/ Men's		117	105	160	360	306	235	195	
Travel Teams		96	162	93	98	150	118	210	204
Track and Field					62	21	24	25	43
Spring Totals	1039	1208	1205	1117	1442	1251	1208	1236	1091
Summer									
Swim Team	27	43	44	44	52	46	54	55	
Fall									
Baseball	100	98	103	102	127	85	131	158	
T-Ball	42	34	55	49	75	61	78	89	
Softball	0	30	14	0	0	0	0	0	
Soccer	315	370	325	373	254	382	318	278	
Inst. League									
Adult Coed	182	191	367	372	273	91	0	168	
Football	154	187	196	201	218	148	172	134	
Cheerleading	58	49	81	120	103	109	93	70	
Travel Teams		84	162	112	124	105	112	211	
Fall Totals	1260	1043	1303	1329	1174	981	904	1108	
Winter									
Basketball	380	341	305	294	285	282	260	265	
Wrestling				55	39	23	19	20	
Total Annual Numbers	2679	2592	2813	2787	2940	2537	2391	2629	



Dawson County Board of Commissioners

Planning and Development Monthly Report – March 2015

- **Building permits Issued**
 - March 2015: 42 up 91%
 - YTD 2015: 91 up 21%
- **Business Licenses Issued:**
 - March 2015: 160 up 45%
 - YTD 2015: 466 down 6%
- **Total Building Inspections Completed:**
 - March 2015: 273 up 63%
 - YTD 2015: 685 up 11%
- **Variances/Zonings Processed:**
 - March 2015: 5 flat
 - YTD 2015: 13 flat
- **Plats Reviewed:**
 - March 2015: 14 up 180%
 - YTD 2015: 27 up 23%

HIGHLIGHTS

Planning Projects:

- Stormwater staff is working with Moreland Altobelli Associates, Inc. on phase 1 of the MS4 project. A draft MS4 program has been submitted and reviewed by EPD. EPD comments have been received and are being addressed for resubmittal.
- Staff continues to monitor the GMRC regional aerial photography project. The photography has been collected and they are in the processing phase of the project.
- Finalizing GATEway Grant drawings for approval by GDOT.

Newly Licensed Businesses:

- 10 Home based businesses
- 6 Commercial based businesses

Plans for Upcoming Month:

- Send Stormwater Ordinance and Erosion and Sedimentation Ordinance to public hearings. Proposed hearing dates are May 21, 2015 and June 4, 2015.
- Zoning Administrator position has been filled. Niki Mincey-McCall will start on April 20, 2015.
- GMRC aerial photography project management projected completion by October 2015.

Dawson County

March 2015

New Business Licensing

Dawson County has two (6) new Commercial Businesses that have opened this month.

- 1. Arias Tires – Retail Tires**
38 Henry Grady Road
- 2. Hartson’s Garage – Auto Repair**
1607 Price Road
- 3. This That & What Not – Flea Market – Ownership Change**
7020 Dahlonega Highway
- 4. Harmony Food Mart – Convenience Store**
1128 Harmony Church Road
- 5. Ron D Wilson – Dental Office – Ownership Change**
671 Lumpkin Campground Road South
- 6. Thomas Consulting & Management – Lawn Maintenance**
40 Hightower Parkway

Home Based Business has four (10) new locations and Home Office Business Licenses.

- 1. CAC Garage Doors – Garage Door Installation**
222 Mill Creek Drive
- 2. EndeavorCare, Inc.**
29 Stillwater Lane
- 3. Family Ties Virtual Resale Shop – Internet Sales**
142 Prospectors Court
- 4. Paul Stinson – General Contractor**
128 Raccoon Run Lane
- 5. HomeRite of North Georgia – Home Repair**
979 Howser Mill Road

- 6.** All Seasons Pool Service – Pool/Spa Service
1359 Harmony Church Road
- 7.** Mark Lawton Homes – General Contractor
506 Robertson Road
- 8.** Professional Improvements – General Contractor
212 Red Rose Lane
- 9.** TLC Book Restoration – Book Repair
505 Indian Pipe Drive
- 10.** Yellow Bird Antiques & Interiors – Online Sales
2545 Dawson Forest Road East



Dawson County Board of Commissioners

Public Affairs Monthly Report – March 2015

Website Activity

- Page Views: 80,758
 - .22% increase from previous year; 2% increase from previous month
- Unique Visitors: 13,078
 - 22% increase from previous year; 13% increase from previous month

Social Media

- Contacts/Fans: 909 (Facebook)
 - 37% increase from previous year; 3% increase from previous month
- Contacts/Followers: 73 (Twitter)
 - 11% increase from previous month

Citizen Care: (Work Requests)

- Work Request Calls: 30
- Emails: 2
- Walk-ins: 8

HIGHLIGHTS

Public Affairs

- Website: Coordination of implementing AgendaPal program
- Intranet: Troubleshooting
- Weather related incidents: high-volume of calls regarding storm cleanup

Keep Dawson County Beautiful

- Electronic Recycling Day Planned for Saturday, April 18

Plans for Upcoming Month:

- Electronic Recycling Day: April 18
- Earth Day: April 22
- Arbor Day: April 24



Dawson County Board of Commissioners

Public Works Monthly Report – March 2015

ROADS:

- Work Orders: 36
 - Cleared Debris: approximately 48.59 miles
- Gravel: 1,342.86 tons
- Debris Clean-Up
 - Updating and maintaining debris removal list. Actively working with residents to ensure safe roadways and culvert/drainage issues.
 - Met with GEMA to discuss our to-date expenditures, as well as the estimated clean-up costs going forward.

ENGINEERING:

- Carlisle Road Project
 - The section of Carlisle Road that is to be abandoned has been renamed to Palmour Place. Emergency services and residents have been notified.
- Trail Enhancement Grant Project
 - Real property acquisition is pending. Awaiting approval from BOC.
- Round-About at SR 53 and SR 183
 - Working with GDOT engineers to finalize cost estimate.
- 2015 Speed Study
 - Preparing “ON-SYSTEM” list of roadways for Dawson County. Working with GDOT engineers to finalize speed limit requirements.

TRANSFER STATION:

- Solid Waste: 353.35 tons
- Recycling: 28.97 tons
- Recycling scrap metal: 7.27 tons

FLEET:

- Repair requests: 83

FACILITIES:

- Repair requests: 92

Backup material for agenda item:

10. County Attorney Report

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

Memorandum

To: Dawson County Board of Commissioners

Date: April 22, 2015

From: Joey Homans

Re: County Attorney Report

1. Pippin Claim.

I am providing you a copy of the notice of claim the County recently received. I forwarded the claim to the County's liability carrier, and an adjuster is proceeding with investigating the claim.

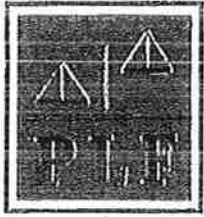
2. Board of Elections Investigation.

On March 12, the State Elections Board dismissed a complaint submitted on July 26, 2012 by Sam Wadsworth alleging violations by the Dawson County Board of Elections and Elections officers and employees during the 2012 election. I am providing you a copy of the investigation summary submitted to the State Board of Elections during the March 2, 2015 meeting.

3. Documents submitted-Orr.

Wayne Orr submitted certain documents to Dawson County. These documents do not comply with any legal requirements and appear to constitute a "sovereign citizen" claim. The most concerning document is the IRS reporting form. Cindy and I continue to research and review to determine if the IRS forms involving Dawson County have, in fact, been filed with the IRS. In essence, the documents purport to require Dawson County (and any other appropriate government) to fund and/or pay what Mr. Orr contends he is entitled to receive as a "sovereign" in accord with common law. I will update you after we determine whether any document has been filed with any court or with any other agency.

Joey



PUGLISE LAW FIRM, P.C.

ATTORNEYS AT LAW

1387 SCENIC HIGHWAY

SNELLVILLE, GA 30078

TELEPHONE (770) 985-9852 • FAX (770) 985-9854

www.pugliselawfirm.com

copy

Michael J. Puglise
John C. Puglise
(1933-2008)

of Counsel
Fred A. Zimmerman
Robert Piccarreto

E-Mail
mpuglise@pugliselawfirm.com

Please Reply To:

ANTE LITEM NOTICE

April 9, 2015

*Certified Mail Return Receipt Requested and
Sent Via Facsimile @ (706) 344-3889*

Chairman Mike Berg
Dawson County Board of Commissioners
25 Justice Way; Suite 2313
Dawsonville, Georgia 30534

*Certified Mail Return Receipt Requested and
Sent Via Facsimile @ (706) 344-3537*

Sheriff Billy Carlisle
Dawson County Sheriff's Department
19 Tucker Avenue
Dawsonville, Georgia 30534

Re: Mr. Matt Pippin and Lindsay Pippin
Notice of Claim- O.C.G.A. § 36-11-1

Gentleman:

This letter shall serve as verification pursuant to O.C.G.A. § 36-11-1 regarding potential claims that Mr. Matt and Mrs. Lindsay Pippin alleges against the Dawson County Sheriff's Department and certain members of said agency. Mr. and Mrs. Pippin has employed our offices to represent them concerning the illegal arrest and seizure of their person. Their seizure was done purposefully, intentionally, and was malicious in nature without legal authority.

Our firm has concluded that these acts committed against Mr. and Mrs. Pippin were a direct violation of both state and federal law. These acts are a direct result of the unconstitutional policies of the Dawson County Sheriff's Department.

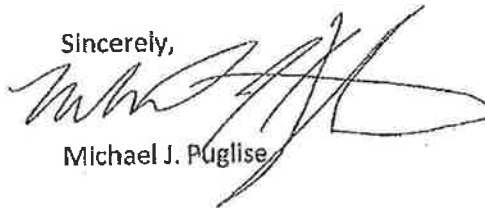
Our preliminary investigation concludes that members of the Dawson County Sheriff's Department, on or about April 11, 2014, caused warrants to be issued against Mr. and Mrs. Pippin for Interference with Child Custody, Interstate. Their subsequent seizure was without probable cause and illegal under both state and federal law. Mr. and Mrs. Pippin had taken their five (5) year old daughter, Brylee Pippin from the home of the child's maternal grandmother, Jill Chamberlin. The Pippins' had every legal authority to do so. The criminal charges levied against the Pippins were administratively dismissed.

Mr. and Mrs. Pippin have suffered emotionally, physically and mentally from the violations of their civil rights due to the actions of Dawson County Sheriff's Department.

We have advised the Pippins of their legal rights under State and Federal law pertaining to their injuries as the result of the deprivation of their civil rights. Please forward this notice to your legal representatives and/or insurance carrier for adjustment.

In light of the most recent Georgia Supreme Court ruling, we felt it necessary to have on record a stated dollar amount as a demand for relief associated with the claims made in this notice. We have been authorized to accept a sum of \$1,000,000.00 (One Million Dollars) as a settlement for all claims.

Sincerely,



Michael J. Puglise

MJP/kdp

Cc: Mr. and Mrs. Pippin
FILE



COPY

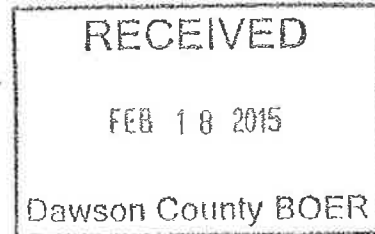
The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

2 Martin Luther King Jr., Drive
802 West Tower
Atlanta, Georgia 30334

Chris Harvey
CHIEF INVESTIGATOR

February 12, 2015



Dawson County Board of Elections and Registration
96 Academy Avenue
Dawsonville, GA 30534

RE: SEB Case #2012-000061, Dawson County 07-31-2012 Election Security

Dear Board Members:

You are listed as a respondent in the above referenced Election Complaint. This means that the State Election Board (SEB) will review the case facts to determine whether you may have violated Georgia's Election code, rules, or regulations. Please be aware and take note this case is currently on the Agenda for the State Election Board Meeting for March 12, 2015, beginning at 10:00 am in the Professional Licensing Board, Building B, located at 237 Coliseum Drive, Macon GA 31217.

Please see the enclosed case summary with *preliminary* conclusions to be presented to the State Elections Board. This case is listed on the consent agenda at this time with a recommendation to be closed with no violations. The SEB will make final decisions on the results of all investigations

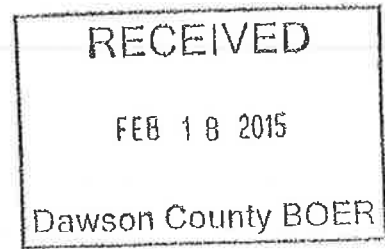
Following review of your case, the Board may take one of the following actions: it may close and dismiss your case, it may issue either a letter of instruction or reprimand, or it may refer the case to the Attorney General for further review and possible administrative proceedings and penalties. Should the case involve criminal conduct, the Board reserves the right to refer the case to the local district attorney for criminal prosecution as well.

Your attendance is not mandatory, but should you attend, the Board will provide you with an opportunity to address them about your case. The Board may ask you questions about your case, and your statements to the Board will be recorded. You may bring legal counsel with you if you desire. The Board has also notified the complainant in your case about this meeting, and, should the complainant choose to appear, the Board will provide him or her with an opportunity to speak as well.

If you have any questions, please feel free to contact me at 404-656-4793.

Sincerely,

Chris Harvey
Chief Investigator



INVESTIGATIONS DIVISION

SUMMARY

CASE NAME: Dawson County 07,30,2012 Election
SEB CASE #: 2012-000061
INVESTIGATOR: Glenn J. Howard
DATE OF REPORT: March 12, 2014

COMPLAINT:

Complaints submitted on July 26, 2012 by Sam Wadsworth alleging Dawson County had not properly sealed and secured DRE's during the Early Election period. Wadsworth also alleged the proper notices were not given prior to DRE testing.

COUNTY AND ELECTION INVOLVED:

Dawson County, Early Voting, Primary Election held July 31, 2012

JURISDICTION/VENUE:

Jurisdiction will be with the State Election Board in Atlanta, Fulton County, Georgia.
Venue on any criminal prosecution will lie in Dawson County, Georgia

ELECTION STAFF:

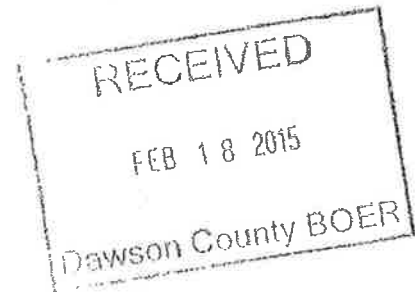
Combined Board of Elections and Registration

ELECTION CERTIFICATION:

The Dawson Board of Elections and Registration has met the training requirements, as Glenda Ferguson was certified on 04.10.2006

RESPONDENT(S):

Dawson County Board of Elections and Registration
96 Academy Avenue
Dawsonville, Georgia 30534-0436
706.344.3640



FINDING(S) and POTENTIAL VIOLATIONS:

The investigation did not produce any evidence that would suggest the Dawson County committed violation(s) of the Georgia Election Code or the Board of Election Rules. Evidence did suggest the Dawson County Elections Office did properly secure and seal DREs during the Early Voting of July 31, 2012 and they did give proper notice via the Legal Organ prior to DRE testing. The Dawson County Elections Office responded to the complaints by producing the DRE Recap Sheets and a copy of the DRE testing notification that had been published in the Legal Organ. The Recap Sheets indicated there were seven DREs used during Early Voting in July of 2012. All the DREs had the appropriately numbered seal when they were opened on the first day of early voting and the Recaps showed proper secured seal maintenance throughout the early voting process. Copy of the Legal Organ, published June 13, 2012, indicated testing to be held on June 15, 2012 from 9AM till 5PM until completion.

Glenda Ferguson

From: Myers, Michael <mmyers@sos.ga.gov>
Sent: Tuesday, March 17, 2015 2:30 PM
To: Glenda Ferguson
Subject: RE: SEB Case #2012-000061

Consent cases are dismissed and will not get letters.

From: Glenda Ferguson [<mailto:GFerguson@dawsoncounty.org>]
Sent: Tuesday, March 17, 2015 1:29 PM
To: Myers, Michael
Subject: RE: SEB Case #2012-000061

No problem – I understand. We have media that has been “sitting” on this for our board to give a response on the outcome and I didn’t want to until we know definitely that it was done.

Have a great afternoon.

Glenda Ferguson

*Dawson County Board of Elections & Registration
Chairperson, Chief Registrar, Election Supervisor
Phone: 706-344-3640
Fax: 706-344-3642*

“The Board of Elections & Registration is committed to nurture and protect democracy for the citizens of Dawson County through the voter registration and electoral process and to provide impartial elections in accordance with State and Federal laws in an efficient, effective and timely manner.”

From: Myers, Michael [<mailto:mmyers@sos.ga.gov>]
Sent: Tuesday, March 17, 2015 12:46 PM
To: Glenda Ferguson
Subject: RE: SEB Case #2012-000061

Sorry, letters of instruction and Attorney General’s cases will be sent. I’m trying to follow up on consent cases.

From: Glenda Ferguson [<mailto:GFerguson@dawsoncounty.org>]
Sent: Tuesday, March 17, 2015 12:05 PM
To: Myers, Michael
Subject: RE: SEB Case #2012-000061

Will we receive anything in writing, or will this be our notification?

Glenda Ferguson

*Dawson County Board of Elections & Registration
Chairperson, Chief Registrar, Election Supervisor
Phone: 706-344-3640
Fax: 706-344-3642*

“The Board of Elections & Registration is committed to nurture and protect democracy for the citizens of Dawson County through the voter registration and electoral process and to provide impartial elections in accordance with State and Federal laws in an efficient, effective and timely manner.”

From: Myers, Michael [mailto:mmyers@sos.ga.gov]
Sent: Tuesday, March 17, 2015 11:49 AM
To: Glenda Ferguson
Subject: RE: SEB Case #2012-000061

It was a Consent case that was dismissed.

From: Glenda Ferguson [mailto:GFerguson@dawsoncounty.org]
Sent: Tuesday, March 17, 2015 11:48 AM
To: Myers, Michael
Subject: SEB Case #2012-000061

Mr. Myers, I understood that our case was to be presented at the Thursday SEB meeting. I didn't see anything referencing our case. Was it included in the dismissal cases? If so, will I receive a letter stating such?

Thank you.

Glenda Ferguson

*Dawson County Board of Elections & Registration
Chairperson, Chief Registrar, Election Supervisor
Phone: 706-344-3640
Fax: 706-344-3642*

"The Board of Elections & Registration is committed to nurture and protect democracy for the citizens of Dawson County through the voter registration and electoral process and to provide impartial elections in accordance with State and Federal laws in an efficient, effective and timely manner."

CORRECTED (if checked)

LENDER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. WAYNE FREDERICK ORR 612 HANGING DOG ROAD DAWSONVILLE, GA 30534		OMB No. 1545-0877 2014 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number	BORROWER'S identification number	1 Date of lender's acquisition or knowledge of abandonment 03/31/2015	2 Balance of principal outstanding \$ 2,500,000.00	
COMMISSIONER OF ROADS AND REVENUE DAWSON COUNTY Street address (including apt. no.) 25 JUSTICE WAY City or town, state or province, country, and ZIP or foreign postal code DAWSONVILLE, GA 30534 Account number (see instructions) 2011-CV-125B		3	4 Fair market value of property \$ 2,500,000.00	
		5 If checked, the borrower was personally liable for repayment of the debt <input type="checkbox"/>		
		6 Description of property FOR THE SETTLEMENT AND CLOSURE OF THE LISTED ACCOUNT.		
Form 1099-A (keep for your records)		www.irs.gov/form1099a		

CORRECTED (if checked)

LENDER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		OMB No. 1545-0877 2014 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number	BORROWER'S identification number	1 Date of lender's acquisition or knowledge of abandonment	2 Balance of principal outstanding \$ -	
BORROWER'S name		3	4 Fair market value of property \$	
Street address (including apt. no.)		5 If checked, the borrower was personally liable for repayment of the debt <input type="checkbox"/>		
City or town, state or province, country, and ZIP or foreign postal code		6 Description of property		
Account number (see instructions)				
Form 1099-A (keep for your records)		www.irs.gov/form1099a		Department of the Treasury - Internal Revenue Service

CORRECTED (if checked)

LENDER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		OMB No. 1545-0877 2014 Form 1099-A		Acquisition or Abandonment of Secured Property Copy B For Borrower This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.
LENDER'S federal identification number	BORROWER'S identification number	1 Date of lender's acquisition or knowledge of abandonment	2 Balance of principal outstanding \$	
BORROWER'S name		3	4 Fair market value of property \$	
Street address (including apt. no.)		5 If checked, the borrower was personally liable for repayment of the debt <input type="checkbox"/>		
City or town, state or province, country, and ZIP or foreign postal code		6 Description of property		
Account number (see instructions)		182		
Form 1099-A (keep for your records)		www.irs.gov/form1099a		Department of the Treasury - Internal Revenue Service

Notice Concerning Fiduciary Relationship

(Internal Revenue Code sections 6036 and 6903)

OMB No. 1545-0013

Part I Identification

Name of person for whom you are acting (as shown on the tax return) Identifying number Decedant's social security no.

WAYNE FREDERICK ORR, Estate/Trust

Address of person for whom you are acting (number, street, and room or suite no.)

612 HANGING DOG ROAD

City or town, state, and ZIP code (If a foreign address, see instructions.)

DAWSONVILLE, GEORGIA 30534

Fiduciary's name

COMMISSIONER OF ROADS AND REVENUE DAWSON COUNTY; EIN: 58-6011882; Attention: Dena Bosten, CFO.

Address of fiduciary (number, street, and room or suite no.)

25 JUSTICE WAY, SUITE 2214

City or town, state, and ZIP code

DAWSONVILLE, GA 30534

Telephone number (optional)

(706)

344-3500

Section A. Authority

1 Authority for fiduciary relationship. Check applicable box:

- a Court appointment of testate estate (valid will exists)
- b Court appointment of intestate estate (no valid will exists)
- c Court appointment as guardian or conservator
- d Valid trust instrument and amendments
- e Bankruptcy or assignment for the benefit of creditors
- f Other. Describe ▶ Notice of appointment to settle and close the case/account number found on page 2.

2a If box 1a or 1b is checked, enter the date of death ▶ _____

2b If box 1c–1f is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶ _____

Section B. Nature of Liability and Tax Notices

3 Type of taxes (check all that apply): Income Gift Estate Generation-skipping transfer Employment
 Excise Other (describe) ▶ And any/all others necessary.

4 Federal tax form number (check all that apply): a 706 series b 709 c 940 d 941, 943, 944
 e 1040, 1040-A, or 1040-EZ f 1041 g 1120 h Other (list) ▶ And any/all others necessary.

5 If your authority as a fiduciary does not cover all years or tax periods, check here ▶
 and list the specific years or periods ▶ _____

6 If the fiduciary listed wants a copy of notices or other written communications (see the instructions) check this box ▶
 and enter the year(s) or period(s) for the corresponding line 4 item checked. If more than 1 form entered on line 4h, enter the form number.

Complete only if the line 6 box is checked.

If this item is checked:	Enter year(s) or period(s)	If this item is checked:	Enter year(s) or period(s)
4a		4b	
4c		4d	
4e		4f	
4g		4h:	
4h:		4h:	

Part II Court and Administrative Proceedings

Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
SUPERIOR COURT OF DAWSON COUNTY		18 February 2011	
Address of court		Docket number of proceeding	
225 GREEN ST, SE		2011-CV-125B	
City or town, state, and ZIP code		Date	Time
GAINESVILLE, GA 30501 USA		04-08-2015	10:00
		<input checked="" type="checkbox"/> a.m.	Place of other proceedings
		<input type="checkbox"/> p.m.	None

Part III Signature

I certify that I have the authority to execute this notice concerning fiduciary relationship on behalf of the taxpayer.

Please Sign Here	Autograph by:	Grantor/Executor/Beneficiary.	Date
	<i>Wayne Frederick D...</i>		04-13-2015
	Fiduciary's signature	Title, if applicable	Date

PRIVATE REGISTERED SETOFF BOND

\$2,500,000.00

Bond No.: WFO20150324

Registered Mail No.: RE053535055US

Pay to the Order of: UNITED STATES TREASURY
c/o Kathlene F. Gosselin, Judge ("Fiduciary")
SUPERIOR COURT OF HALL COUNTY
225 Green Street, South East
Gainesville, Georgia [30501] uSA

Issue Date: 24 March A.D. 2015
Maturity Date: 23 March A.D. 2045

For Further Credit to: WAYNE FREDERICK ORR / SUPERIOR COURT OF DAWSON COUNTY;
SSN: 257-66-6103; and any/all entities, properties and/or accounts created/acquired therefrom
("Account Holder")

By/On/Through: Wayne-Frederick: Orr, Grantor/Executor/Trustor/Authorized Agent ("Creditor")
Pre-Paid/Exemption Account No.: 257666103

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a *Private Registered Setoff Bond*; and WHEREAS, only fiat money exists in the Public for the discharge of debt, but unlimited Lawful Money/Credits in the Private, which are granted to all living souls by Christ Jesus:

NOW, THEREFORE, the herein named Creditor being of sound mind and honorable intentions, for the purposes of protecting secured interests, reserving rights of recourse, remedy and subrogation, and maintaining the honor of the above-named Account(s) Holder and its Account(s), does by necessity hereby issue this *Private Registered Setoff Bond*, tendered, in good faith, as full satisfaction of any and all claims and/or demands, to wit: In the Creditor's rightful *Sui Juris* status, the Creditor does hereby knowingly and with full disclosure hold, bind and obligate Creditor's collateral jointly and severally by this instrument as voluntary surety for the above-noted Account Holder and its Account(s), each severally, for any amount up to and including: Two Million Five Hundred Thousand Lawful Dollars of the united States of America, i.e., \$2,500,000.00, or its equivalent in credits; insuring, underwriting, indemnifying and discharging the said Account Holder and its Account(s) against any and all pre-existing, current and future losses, costs, debts, taxes, encumbrances, deficits, deficiencies, liens, judgments, true bills, obligations of contract or performance, defaults, charges, and any and all other obligations as may exist or come to exist during the term of this bond (jointly and severally "Liabilities"), thereby honorably discharging and vacating dollar-for-dollar all such obligations until the sum or the term of this bond is exhausted.

BOND ORDER

1. The Fiduciary shall discharge and vacate all pre-existing and current Liabilities as may exist without exception for, against and on behalf of the above-noted Account Holder and Account(s), each severally, including, without limitation, dollar for dollar through the above-noted Pre-Paid/Exemption Account, up to and including the full Face Value amount of this Bond.
2. The above-noted Account Holder and its Account(s) shall be severally insured, underwritten and indemnified against any and all future Liabilities as may come to exist, discharging and vacating all such obligations dollar for dollar without exception.
3. The Fiduciary shall have ten (10) days from the date of delivery of this *Private Registered Setoff Bond* to dishonor this Bond by returning it to the Creditor, with all associated transactions annexed thereto, by Certified Mail, to the mailing location shown below. The Fiduciary's failure to return this Bond within the (10) day timeliness period shall constitute the Fiduciary's acceptance of this Bond, the Fiduciary's agreement to honor this Instrument, and the Fiduciary's agreement to set-off all associated transactions and claims that may exist within the SUPERIOR COURT OF DAWSON COUNTY, and all other such transactions and claims submitted by the Creditor, as they occur, in full accord with Public Law, Public Policy, and the terms and conditions contained herein.
4. This Bond is pledged as an asset to the SUPERIOR COURT OF DAWSON COUNTY, for the purposes above stated, and to secure all rights of WAYNE FREDERICK ORR, and its Accounts/Properties.

Autographed by the herein named Creditor, in this the 24th day of March A.D. 2015.



COPY

By: *Wayne-Frederick: Orr* (s)
Authorized Agent, Without Recourse, "As good as a val"

WAYNE FREDERICK ORR
c/o Executor Office; Hanging Dog Road - 612; Dawsonville; Georgia (state); united States of America. "Without the U.S."
:FOR THE CREATOR-ENDOWED-FREEDOMS ARE WITH THE [PRE]SERVATION BY THE AUTHOR:

2014 Form 1040-V



Department of the Treasury
Internal Revenue Service

What Is Form 1040-V

It is a statement you send with your check or money order for any balance due on the "Amount you owe" line of your 2014 Form 1040, Form 1040A, or Form 1040EZ.



You can also pay your taxes online or by phone either by a direct transfer from your bank account or by credit or debit card. Paying online or by phone is convenient and secure and helps make sure we get your payments on time. For more information, go to www.irs.gov/e-pay.

How To Fill In Form 1040-V

Line 1. Enter your social security number (SSN). If you are filing a joint return, enter the SSN shown first on your return.

Line 2. If you are filing a joint return, enter the SSN shown second on your return.

Line 3. Enter the amount you are paying by check or money order.

Line 4. Enter your name(s) and address exactly as shown on your return. Please print clearly.

How To Prepare Your Payment

- Make your check or money order payable to "United States Treasury." Do not send cash.
- Make sure your name and address appear on your check or money order.
- Enter your daytime phone number and your SSN on your check or money order. If you are filing a joint return, enter the SSN shown first on your return. Also enter "2014 Form 1040," "2014 Form 1040A," or "2014 Form 1040EZ," whichever is appropriate.

• To help us process your payment, enter the amount on the right side of your check like this: \$ XXX.XX. Do not use dashes or lines (for example, do not enter "\$ XXX—" or "\$ XXX^{xx/100}").

How To Send In Your 2014 Tax Return, Payment, and Form 1040-V

- Detach Form 1040-V along the dotted line.
- Do not staple or otherwise attach your payment or Form 1040-V to your return or to each other. Instead, just put them loose in the envelope.
- Mail your 2014 tax return, payment, and Form 1040-V to the address shown on the back that applies to you.

Cat. No. 20975C

Form 1040-V (2014)

▼ Detach Here and Mail With Your Payment and Return ▼

Form **1040-V**

COPY
Payment Voucher

OMB No. 1545-0074

2014

Department of the Treasury
Internal Revenue Service (99)

▶ Do not staple or attach this voucher to your payment or return.

Print or type	1 Your social security number (SSN)	2 If a joint return, SSN shown second on your return	3 Amount you are paying by check or money order. Make your check or money order payable to "United States Treasury"	Dollars	Cents	
	4 Your first name and initial WAYNE F	Last name ORR				
	If a joint return, spouse's first name and initial		Last name			
	Home address (number and street) 612 HANGING DOG ROAD	Apt. no.	City, town or post office, state, and ZIP code (If a foreign address, also complete spaces below.) DAWSONVILLE, GEORGIA 30534			
Foreign country name			Foreign province/state/county		Foreign postal code	

For Paperwork Reduction Act Notice, see your tax return Instructions.

Cat. No. 20975C

Notice Concerning Fiduciary Relationship

OMB No. 1545-0013

(Internal Revenue Code sections 6036 and 6903)

Part 1 Identification

Name of person for whom you are acting (as shown on the tax return) Identifying number Decedent's social security no.

WAYNE FREDERICK ORR, Estate/Trust

Address of person for whom you are acting (number, street, and room or suite no.)

612 HANGING DOG ROAD

City or town, state, and ZIP code (if a foreign address, see instructions.)

DAWSONVILLE, GEORGIA 30534

Fiduciary's name

Kathlene F. Gosselin, dba KATHLENE F. GOSSELIN, acting as Judge - SUPERIOR COURT OF HALL COUNTY

Address of fiduciary (number, street, and room or suite no.)

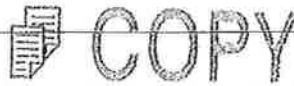
225 Green Street South East, Court Room 4

City or town, state, and ZIP code

Gainesville, Georgia [30501] usa

Telephone number (optional)

(770) 531-6990



Section A. Authority

- 1 Authority for fiduciary relationship. Check applicable box:
- a Court appointment of testate estate (valid will exists)
 - b Court appointment of intestate estate (no valid will exists)
 - c Court appointment as guardian or conservator
 - d Valid trust instrument and amendments
 - e Bankruptcy or assignment for the benefit of creditors
 - f Other. Describe ▶ **Notice that Kathlene F. Gosselin is appointed as temporarily fiduciary to settle the listed case/account.**
- 2a If box 1a or 1b is checked, enter the date of death ▶ _____
- 2b If box 1c–1f is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶ _____

Section B. Nature of Liability and Tax Notices

- 3 Type of taxes (check all that apply): Income Gift Estate Generation-skipping transfer Employment
 Excise Other (describe) ▶ **Any any/all others necessary.**
- 4 Federal tax form number (check all that apply): a 706 series b 709 c 940 d 941, 943, 944
 e 1040, 1040-A, or 1040-EZ f 1041 g 1120 h Other (list) ▶ **Any any/all others necessary.**
- 5 If your authority as a fiduciary does not cover all years or tax periods, check here ▶
 and list the specific years or periods ▶ _____
- 6 If the fiduciary listed wants a copy of notices or other written communications (see the instructions) check this box ▶
 and enter the year(s) or period(s) for the corresponding line 4 item checked. If more than 1 form entered on line 4h, enter the form number.

Complete only if the line 6 box is checked.

If this item is checked:	Enter year(s) or period(s)	If this item is checked:	Enter year(s) or period(s)
4a		4b	
4c		4d	
4e		4f	
4g		4h:	
4h:		4h:	

Part III Court and Administrative Proceedings

Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
SUPERIOR COURT OF DAWSON COUNTY		18 February 2011	
Address of court		Docket number of proceeding	
225 GREEN ST, SE		2011-CV-125B	
City or town, state, and ZIP code	Date	Time	Place of other proceedings
GAINESVILLE, GA 30501 USA	04-08-2015	10:00	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m. Court Room Number 4

Part III Signature

Please Sign Here	I certify that I have the authority to execute this notice concerning fiduciary relationship on behalf of the taxpayer.		
	Autograph by: <i>Wayne-Fredrick Orr</i>	Executor / Grantor / Trustor.	03-24-2015
	Fiduciary's signature	Title, if applicable	Date

 COPY

Notice Concerning Fiduciary Relationship

OMB No. 1545-0019

(Internal Revenue Code sections 6036 and 6903)

Part I Identification

Name of person for whom you are acting (as shown on the tax return)		Identifying number	Decedent's social security no.
WAYNE FREDERICK ORR, Estate			
Address of person for whom you are acting (number, street, and room or suite no.)			
FAULKNER HOSPITAL - 1153 CENTRE STREET			
City or town, state, and ZIP code (if a foreign address, see Instructions.)			
BOSTON, MA 02201 USA			
Fiduciary's name			
Wayne-Frederick of the family Orr			
Address of fiduciary (number, street, and room or suite no.)			
c/o Executor Office: Hanging Dog Road - 612			
City or town, state, and ZIP code			Telephone number (optional)
Dawsonville, Georgia (state), United States of America, "Without the UNITED STATES"			()

COPY

Section A. Authority

- 1 Authority for fiduciary relationship. Check applicable box:
- a Court appointment of testate estate (valid will exists)
 - b Court appointment of intestate estate (no valid will exists)
 - c Court appointment as guardian or conservator
 - d Valid trust instrument and amendments
 - e Bankruptcy or assignment for the benefit of creditors
 - f Other. Describe ▶ Notice that Wayne-Frederick of the family Orr is Alive and is the Executor for this Person.
- 2a If box 1a or 1b is checked, enter the date of death ▶ 03-14-1947
- 2b If box 1c--1f is checked, enter the date of appointment, taking office, or assignment or transfer of assets ▶ 01-10-1965

Section B. Nature of Liability and Tax Notices

- 3 Type of taxes (check all that apply): Income Gift Estate Generation-skipping transfer Employment
 Excise Other (describe) ▶ And any/all others necessary.
- 4 Federal tax form number (check all that apply): a 706 series b 709 c 940 d 941, 943, 944
 e 1040, 1040-A, or 1040-EZ f 1041 g 1120 h Other (list) ▶ And any/all others necessary.
- 5 If your authority as a fiduciary does not cover all years or tax periods, check here
 and list the specific years or periods ▶ From: 01-10-1965 until further notice from this Executor.
- 6 If the fiduciary listed wants a copy of notices or other written communications (see the Instructions) check this box
 and enter the year(s) or period(s) for the corresponding line 4 item checked. If more than 1 form entered on line 4h, enter the form number.

Complete only if the line 6 box is checked.

If this item is checked:	Enter year(s) or period(s)	If this item is checked:	Enter year(s) or period(s)
4a		4b	
4c		4d	MAR 30 2013
4e		4f	
4g		4h:	
4h:		4h:	

INTERNAL REVENUE SERVICE
 PROOF OF PAYMENT ONLY
 THIS IS NOT AN OFFICIAL RECEIPT
 36431

Part II Court and Administrative Proceedings


Name of court (if other than a court proceeding, identify the type of proceeding and name of agency)		Date proceeding initiated	
REGISTRY DEPARTMENT OF THE CITY OF BOSTON		03-14-1947	
Address of court		Docket number of proceeding	
1 CITY HALL SQUARE #213		395	
City or town, state, and ZIP code		Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. Place of other proceedings
BOSTON, MA 02201 USA		Unknown	Unknown <input type="checkbox"/> p.m. Same

Part III Signature

I certify that I have the authority to execute this notice concerning fiduciary relationship on behalf of the taxpayer.

Please Sign Here	Autograph by:	Executor/Grantor/Settlor	03-22-2015
	<i>Wayne - Frederick Ki Orr</i>	Title, if applicable	Date
	Fiduciary's signature		

Form 56 (Rev. 12-2011)

 COPY

COPY

IN THE SUPERIOR COURT OF DAWSON COUNTY
STATE OF GEORGIA
NORTHEASTERN JUDICIAL CIRCUIT

STATE OF GEORGIA
COUNTY OF DAWSON
I, Justin Power, Clerk of Superior Court
in and for said County do hereby certify that
this is a true and correct copy of the
original as it appears on file in this office.
Witness my official seal and signature of
Superior Court this 24 day of March 2015
D. Anne L. Silke
Clerk, Dawson Superior Court

BRI FUNDING, LLC,

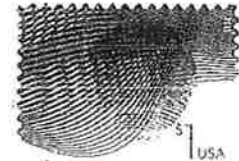
Plaintiff,

v.

BALLISTICS RESEARCH INC.
WAYNE F. ORR,
BALLISTICS BLOCKS, LLC, and
JAMES P. ORR

Defendants.

Case No. 2011-CV-125B



THIS INSTRUMENT IS HEREBY
FULLY ACCEPTED FOR VALUE
AND RETURNED FOR VALUE;
FOR SETTLEMENT AND CLOSURE OF THIS ACCOUNT
By: Wayne - Frederick: Orr
Date: 24 March A.D. 2015
EXEMPT FROM LEVY
EXEMPTION ID#: 25766610
GEORGIA, DAWSON COUNTY
CLERK'S OFFICE, SUPERIOR COURT
FILED FOR RECORD
FEB 18 2015
TIME 10:02 AM
Clerk

This case is before the Court on the specific issue of whether Ballistics Research "acted, or failed to act, with the specific intent to cause harm" such that punitive damages were warranted beyond the \$250,000 cap provided for in O.G.A. § 51-12-5.1(f).

At the outset, the Court notes that "O.G.A. § 51-12-5.1 is in derogation of the common law, and it must be strictly construed because in subsection (f) the statute does not specify that a clear and convincing standard must be used in determining whether a tortfeasor acted with specific intent to harm, that subsection is governed by the common law standard: preponderance of the evidence." Kothari v. Patel, 262 Ga. App. 168, 173, 585 S.E.2d 97, 102 (2003). "Specific intent to cause harm" is not clearly defined. However, it does not appear to contemplate that harm is the singular, or even overriding purpose of the action undertaken. See, e.g. Rolleston v. Estate of Sims, 253 Ga. App. 182, 558 S.E.2d 411 (2001) (evidence in record supported finding that fraudulent conveyances undertaken to prevent collection of judgment constituted specific intent to cause harm), Alta Anesthesia Associates of Georgia, P.C. v. Gibbons, 245 Ga. App. 79

537 S.E.2d 388 (2000) (anesthesia professional corporation's scheme to gain control of hospital anesthesia department constituted specific intent to harm independent anesthesiologists).

This Court need not hesitate in finding by a preponderance of the evidence that Ballistics Research acted with specific intent to cause harm to BRI Funding. As this Court found in its order of September 9, 2013, Defendants' collective course of conduct was undertaken with the purpose of avoiding a valid debt. It is no great leap to hold that they also did so with the specific intent to deprive Plaintiffs. Defendants actively engaged in fraud, including removing collateral from BRI Funding to render it inaccessible to Plaintiffs, misrepresenting the status of other already-pledged collateral, and falsely claiming that large sales orders were imminent. Actions like these distinguish the present case from cases of simple negligence or conscious indifference to consequences, where lesser culpability merits a cap on punitive damages on the offending party. Defendants cannot argue that they undertook their fraud in a state of ignorance as to who they might be depriving in the process.

In light of the foregoing, the Court finds that Ballistics Research acted with specific intent to cause harm, such that punitive damages were warranted beyond the \$250,000 cap provided for in O.C.G.A. § 51-12-5.1(f). The award of \$870,407.25 in punitive damages jointly and severally against all defendants is reinstated.

So ORDERED this 3rd day of February, 2015.


The Honorable Kathlene F. Gosselin
Judge, Superior Court

cc: T. Wesley Robinson, Attorney for Plaintiff
Jon B. McPhail, Attorney for Defendants

WAYNE FREDERICK ORR, Estate.
c/o Executor Office
Hanging Dog Road - 612
Dawsonville
Georgia (state)
United States of America.
"Without the UNITED STATES"

 COPY

two-four March A.D. two-zero-one-five.

Registered Mail Number: *Wayne-Frederick Orr*

RE 053 535 055 US

7 JSA

**NOTICE FOR ACCEPTANCE OF OATHS AND CONSTITUTIONS WITH WAIVER OF
TORT AND ACCESS TO PROVISIONS OF TITLE 31, § 5118;
Gold clauses and consent to sue**

The following Affidavit of "Notice for Acceptance of Oaths of Office and Constitutions" is made while explicitly [pre]serving all creator endowed freedoms. "Without Recourse"

Hebrews 6:16 instructs that an oath between men is the end of all strife. For this reason and cause i request Clarity and Information to exhibit evidence and facts that:

- 1) the proper Oath was given; and,
- 2) that the Official administering said Oath was properly sworn before administering said Oath; and,
- 3) that said Oath is properly recorded, filed, and readily available for inspection and verification to all; and,
- 4) that said Oath was to the Original Organic Constitution for the United States of America, dated 1789, and not to the corporate charter titled Constitution of the United States, dated 1871 (Act of 1871);

DEFINITIONS:

aka is; also known as

dba is; doing business as

Affiant is; Wayne-Frederick: Orr

Libellee is; C. Andrew Fuller, dba C. ANDREW FULLER, acting as Chief Judge

Libellee is; Kathleen F. Gosselin, dba KATHLENE F. GOSSELIN, acting as Judge

Libellee is; Charles Baker, dba CHARLES BAKER, acting as Clerk

"For the record, and in the name of God Almighty, the Creator of Heaven and Earth, Amen"

Be it known that, i, the-divine-living-spirit, commonly known as Wayne-Frederick: Orr, and hereinafter referred to as Affiant, am naturally born by blood upon the dry land geographically known as the United States of America, ("without the UNITED STATES corporation") and i hereby duly NOTICES C. Andrew Fuller, dba C. ANDREW FULLER, acting as Chief Judge for the SUPERIOR COURT OF HALL COUNTY, GEORGIA; Kathleen F. Gosselin, dba KATHLENE F. GOSSELIN, acting as Judge for the SUPERIOR COURT OF HALL COUNTY, GEORGIA; Charles Baker, dba CHARLES BAKER, acting as Clerk for the SUPERIOR COURT OF HALL COUNTY, GEORGIA; and successors, nominees, assignees, agents, and/or holders of the seat, with this instrument entitled, "Notice for Acceptance of Oaths of Office and Constitutions"; (Constitutions, without question are by-laws, which bind public servants to service), and hereby duly accepts Libellee(s) Oaths of Office, being Libellee(s) open and binding offer of contract to form a firm and binding, private contract between Libellee(s) and Affiant. Affiant is pleased that when Libellee(s) said "so help me God", that Libellee(s) invoked the Creator of all that is, as Witness to punish all Liars and breakers of Oaths, that Libellee(s) promised, and is bound by Oaths, which makes Libellee(s) "Bond(s)" accessible to Affiant, that Libellee(s) would perform all of said promises, including, but not limited to, Libellee(s) promise to uphold the Constitution for the United States of America, which includes protecting all of Affiant's Freedoms.

Affiant trust Libellee(s) will be honorable men and womb-men whose Oath is her bond, and that Libellee(s) will honor said private contract with Affiant, consummated by this notice for acceptance, by keeping said promises, and not allow any third-party agents, acting without delegated or regulatory authority, to interfere in Libellee(s) duty to Affiant.

For the record, Affiant, hereby and herein, explicitly [pre]serves all Affiant's freedoms., Notice to the Agent is Notice to the Principal., and Notice to the Principal is Notice to the Agent. This "Notice for Acceptance of Oaths of Office and Constitutions" is issued in accordance with administrative process and as an instrument at contract law; at 3 days, without proper rebuttal signed under penalty of perjury, Affiant and Libellee(s) have Contract; at 7 days, without proper rebuttal signed under penalty of perjury, Libellee(s) is in Dishonor; at 10 days, without proper rebuttal signed under penalty of perjury, Affiant has a Summary Judgment against Libellee(s), said summary judgment being:

(a) Libellee(s) will honor Libellee(s) promises to uphold all of Affiant's freedoms and not allow any third-party interference in Libellee(s) duty to Affiant, and. (b) Libellee(s) acts committed outside Libellee(s) oaths operate under "color of law" and void Libellee(s) immunity, and Libellee(s) accepts all possible liability, not limited by claims and damages unto Affiant, a man, in (i) unlawful conversion; (ii) fraud and misrepresentations; (iii) misrepresentation of agreement; (iv) barratry and other acts of bad faith; and, (v) breach of good faith and fair dealings. Libellee(s) willful choice to either remain silent, write, or cause a third party to write an ambiguous or convoluted response intended to mislead or deceive, or imply authority to represent Libellee(s) interests in this contract, establishes Libellee(s) unconditional acceptance and tacit approval. nihil dicit, for the foregoing contract and the foregoing contract will stand as final judgment.

For the record, Libellee(s) has been NOTICED, and this document when made a part of the public record will be used to establish an administrative record, which will be provided as evidence in any Judicial Proceeding at Law Or Equity.

WAIVER OF TORT:

Definition of terms:

Waiver of tort; *"the election, by an injured party, for purposes of redress, to treat the facts as establishing an implied contract, which he may enforce, instead of an injury by fraud or wrong, for the committing of which he may demand damages, compensatory or exemplary"*: Blacks Law Dictionary 5th Ed., Page 1418

Note that it is solely the option (election) of the injured party whether to apply this option. The injuring party has nothing to say concerning "Waiver of Tort";

By Affiant's acceptance of the Oath of Office of C. Andrew Fuller, dba C. ANDREW FULLER, acting as Chief Judge for the SUPERIOR COURT OF HALL COUNTY, GEORGIA; Kathleen F. Gosselin, dba KATHLENE F. GOSSELIN, acting as Judge for the SUPERIOR COURT OF HALL COUNTY, GEORGIA; Charles Baker, dba CHARLES BAKER, acting as Clerk for the SUPERIOR COURT OF HALL COUNTY, GEORGIA, which are Libellee(s) open and binding offer of contract to form a firm and binding, private contract between Libellee(s) and Affiant, this implied contract comes into full force by the chooses in action on Libellee(s) part to trespass upon Affiant's rights / freedoms Libellee(s) has/have openly sworn to protect. The constitution for the united States of America clearly states at Article 1, section 10, "No state shall pass any Law, impairing the Obligation of Contracts" which has been upheld in the Supreme Court case of Hale v. Hinkel 201 U.S. 43 (1906) over 1600 times;

By Libellees offer and Affiant's acceptance we mutually, willingly, and intentionally agree to the terms of this implied contract:

1. For each injury by trespass, it is agreed that, so long as the injury remains, payment will be made upon demand, under "Equality under the Law", as per: Traffican v. City of Tampa, \$18,000.00 per hour in damages to injured party, in Lawful money of the united States of America, "gold eagle coins," as articulated in the constitution for the united States of America, in Article 1, section 8, clause (5) and section 10, clause (1), and.
2. For each injury which remains after seven days, it is agreed that payment will be made upon demand in the amount of, under "Equality under the Law", as per: Traffican v. City of Tampa, \$432,000.00 per day in damages to injured party, in Lawful money of the united States of America, "gold eagle coins," as articulated in the constitution for the united States of America, in Article 1, section 8, clause (5) and section 10, clause (1), and.
3. If physical injury or private property damage occurs, it is agreed that payment will be made upon demand in the amount of ten million (\$10,000,000) dollars in Lawful money of the united States of America, "gold eagle coins," as articulated in the constitution for the united States of America, in Article 1, section 8, clause (5) and section 10, clause (1) and.
4. This Waiver of tort is enforceable by all lawful means and is agreed that an immediate lien will attach against the assets, wages and property of C. Andrew Fuller, Kathleen F. Gosselin, and Charles Baker in favor of Wayne-Frederick Orr.

ALL PERSONS, EMPLOYEES AND OFFICERS OPERATING UNDER ORDERS OF THE STATE OF GEORGIA who commit injury by trespass upon Affiant. under color of law. without lawful order and verified assessment, will cause attachment of this Waiver of Tort. Continued proceeding in trespass shows acceptance of this Contract and provides Evidence of Libellee(s) intent to implement the terms Waiver of Tort and affix said lien(s). According to several and various UCC Regulations, "performance is acceptance;"

VERIFIED AFFIDAVIT

IN WITNESS WHEREOF, i. the-divine-living-spirit Wayne-Frederick: Orr, do hereby solemnly affirm and verify that, i, have read the foregoing, and know its contents to be true to the best of my knowledge. except as to the matters which are therein stated on my information or belief, and as to those matters, i. believe them to be true. This instrument is submitted upon good faith effort that is grounded in fact, warranted by existing law for the modification or reversal of existing law and submitted for proper purposes, and not to cause harassment and unnecessary delay or costs, so help me God.

Pursuant to The Holy Bible, i. hereby affirm under penalty of perjury under the laws of Nature and Nature's God and consciously attach my Autograph to all of the above affirmations while explicitly [pre]serving all of my creator-endowed-freedom(natural rights). "Without Prejudice or Recourse"

Further, Affiant saith not;

Peacefully and respectfully submitted,

By: Wayne-Frederick:Orr
Wayne-Frederick: Orr., Sui Juris
WAYNE FREDERICK ORR, Estate.
c/o Executor Office
Hanging Dog Road - 612
Dawsonville, Georgia (state)
united States of America.
"Without the UNITED STATES"

Jurat

State of Georgia
County of Cobb

On this day came before me, a notary public in and for said County and State, a living flesh and blood man to attest and affirm the autograph is true, correct and complete on the foregoing instrument, and at such I hereby certify the above autographed, who is personally known by me or upon proper identification. The man Duly affirmed the truth of the foregoing instrument in my presence and also acknowledged the autographing thereof to be his own voluntary act and deed, autographing the within instrument in my presence and for the purpose therein stated.

Date: 03/24/2015

My commission expires on: 03/26/2017

Notary Public [Signature] seal:



THIS INSTRUMENT IS NON-NEGOTIABLE

