



CITY OF DAHLONEGA

Council Work Session- Amended Agenda

February 21, 2022 4:00 PM

Gary McCullough Council Chambers, Dahlongega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

OPEN MEETING

BOARDS & COMMITTEES:

1. Main Street – January 2022
Ariel Alexander, Main Street/DDA Interim Main Street Manager

TOURISM: Sam McDuffie, Tourism Director

DEPARTMENT REPORTS:

2. Community Development – January 2022
Jameson Kinley, Planning and Zoning Administrator
3. Finance and Administration Department – January 2022
Allison Martin, Finance Director
4. Dahlongega Police Department – January 2022
George Albert, Chief of Police
5. Public Works—January 2022
Mark Buchanan, PW Director/City Engineer
6. Water & Wastewater Treatment Department Report January 2022
John Jarrard, Water/Wastewater Treatment Director

ITEMS FOR DISCUSSION:

7. Trade Name Registration - DDA/Main Street Program to Downtown Dahlongega
Mary Csukas, DDA/Main Street Program Director
8. Amendment of Personnel Management System Policies
Allison Martin, Finance Director
9. FY2021 Fourth Quarter Budget Amendment
Allison Martin, Finance Director
10. FY2022 Reappropriations Budget Amendment
Allison Martin, Finance Director
11. Memorandums Regarding Distilled Spirits Package Stores
Doug Parks, City Attorney

COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments
City Manager Comments
City Attorney Comments

City Council Comments
Mayor Comments
ADJOURNMENT



Department Report

Report Title: Main Street – January 2022
Report Highlight: Implementing first steps of the work plan.
Name and Title: Ariel Alexander, Main Street/DDA Interim Main Street Manager

Recently Completed:

- Submitted the Department of Community Affairs Annual Assessment for our Georgia Exceptional Main Street certification.
- Two new board members completed Main Street 101 training.
- Completed the Annual Work Plan Retreat to identify the projects and goals we wish to achieve.
- Planned a Mother's Day downtown campaign to incentivize foot traffic in shops and restaurants. This will coincide with UNG Commencement weekend to bring students and their families as well as locals to the downtown area.
- Created a task list for each board member using goals from the work plan.

Underway:

- Training the new Event Coordinator to process all event applications.
- Reviewing the current Dahlonaga Stories plaques and redeveloping the application for new buildings to apply.
- Updating the available properties list for the new year.
- Researching marketing strategy packets to share with businesses and redeveloping the downtown welcome packet with more information on available resources.
- Working with Chris Worick and the Historical Society to obtain a file of historic pictures to share on social media in a "Throwback Thursday" business highlight campaign.
- Redeveloping all grant applications with current information to revamp the financial assistance aspect of the department.



Department Report

Report Title: Community Development – January 2022
Name and Title: Jameson Kinley, Planning and Zoning Administrator

Recently Completed:

New Residential Permits	10
New Commercial Permits	0
Residential Alteration Permits	2
Commercial Alteration Permits	1
Residential Building Inspections	89
Commercial Building Inspections	7
Plan Review	3
Soil Erosion Inspections	25
Grease Trap Inspections	0
Sign Permits	1
Sign Removals	8
Tree Removal Permit	0
Land Disturbance Permit	4
Home Occupations Inspections	0
Outdoor Dining Permits	1
Short Term Rental	0

Underway:

- UNG, under construction of retaining wall on Barlow Road.
- WVWC Full-Service Carwash approved, waiting on build out plans. Plans approved waiting on payment.
- NGU, Business center under construction, Steel framing, exterior dense firewalls, roof decking, exterior walls, windows.
- Summit project still in planning stages.
- Anderson Townhomes within building build out planning stages.
- Vickery waiting on resubmitting site and building plans.

Activity:

Animal Complaints	1
Debris/Removal of Items	2
Excessive Trash/Junk	1
Sign Removals	8
Traffic/Vehicle assistance	0
Parking Permits Issued	0
Square Parking Warnings/Tickets	1
Tickets Issues	34
Noise Complaint	0

Cemetery:

Open/Close

Mount Hope Cemetery: 1

Revenue:

Permits	\$7,885
Cemetery	\$750



Department Report

Report Title: Finance and Administration Department – January 2022
Report Highlight: LIHWAP Authorized Agency Designation – taps funds for low-income customers who need assistance – initial round \$4,300
Name and Title: Allison Martin, Finance Director

Recently Completed:

- Preparation for 2022 Worker's Comp Audit
- Draft of IT Services RFP out for comment.
- 2022 Property & Liability Insurance Renewal work.
- 1st draft of employee orientation and onboarding/offboarding processes complete.
- 2021 required immigration reporting complete.
- Redundant internet service completed, and equipment installed.
- Received our LIHWAP authorized agency designation which allows our customers, who qualify, access to funds to cover their utility bills. There are even funds for those who have a past due balance. Initial funding coming to the city is \$4,300.

Underway:

- Website updates to include a searchable minute function and overall search engine refinement to create a better end-user experience.
- Administration of American Rescue Plan (ARP) grant
- Establish and set up Employee Portal on new software; implement and train employees on benefits and use.
- Historic Preservation Grant administration.
- Update employee evaluation forms and document procedures for employee review processes and performance development plans.
- Employee phone tree and electronic call database.

Near Term:

- Update financial policies.
- Update purchasing policy to include a vendor preference provision.
- Develop and implement employee meetings to provide appropriate training and updates HR forms; promote employee education related to City retirement plans.
- Review of additional finance files in long-term storage to determine what should be destroyed per the retention schedule.
- Audit of Utility Bill address points against MSAG/E911/USPS data.



Department Report

Report Title: Dahlonaga Police Department – January 2022

Report Highlight: Transition to 12-hour shifts, 7 day a week coverage. Security Cameras added at Hancock Park and replaced at City Hall.

Name and Title: George Albert, Chief of Police

Recently Completed:

- Winter Storm Izzy, January 15, 16, 2022
- Vehicle graphics updated from Marshal to Police (see attached photo)
- Verkada security cameras for City Hall and Hancock Park purchased
- Transition to 12- hour shifts, 7 day a week coverage.
- Uniform style and color change to Navy Blue.
- Picked up new SUV from Dana Safety Supply and had it lettered (see attached photo)

Underway:

- FLOCK LPR submitted to Bill
- Waiting on delivery of new uniform patches and Badges
- Officers completing required training for their certification
- Verkada camera installation at Hancock Park

Near Term:

- Job description updating for next Code Enforcement/Police Officer and posting the position

Dahlonega Police Department

465 Riley Rd

Dahlonega, Ga 30533

JANUARY REPORT

Date: 01/31/2022

END OF MONTH REPORTING

CFS (Calls for Service) all calls

Traffic Stops

Extra Patrol

Citations

Arrests

Parking Citation

Parking Warning

DEPUTY CHRIS WEEKS		DEPUTY KYLE KUPARI	
Badge	803	Badge	804

TYPE	QUANTITY	TYPE	QUANTITY
Traffic Stops	35	Traffic Stops	43
Extra Patrol	83	Extra Patrol	96
Citations	7	Citations	5
Arrests	3	Arrests	0
Total CFS	190	Total CFS	215

Parking Citation	34	Parking Warning	1
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Department Report

Report Title: Public Works—January 2022

Report Highlight: COVID-related measures continue at a reduced level. Having exhausted available federal funding for these tasks, City Staff are performing these duties in house.

Name and Title: Mark Buchanan, PW Director/City Engineer

Recently Completed:

- Watermain extension along Morrison Moore Parkway. The project will continue as a new sidewalk will be placed in this area. This is a joint project with UNG.



- Bids were received for the Enota/Johnson Street project and project was awarded. Construction is ongoing.



- Martin Street storm drain installation (performed by City Construction Crew).



NOTE: This photo does not include the safety section installed after photo was taken.

- Asphalt markings throughout the city, partially funded through the GDOT LMIG Off-System Safety grant were bid, awarded and are in progress.



Underway:

- Construction of the Oak Grove roundabout, a cooperative project between the City, Lumpkin County and GDOT. Currently, the roundabout is operational in all directions with limited brief closures. Final striping is ongoing. Expect street lighting to be installed in the coming weeks.



- Continued design of the Morrison Moore Pedestrian Bridge.
- Creation of a heavily revised set of Development Regulations.

- Discussions and planning in coordination with UNG and GDOT for a sidewalk along Morrison Moore Parkway from Calhoun Road to the new Public Safety building, previously Stake 'n Shake.
- Mapping of City utilities by GMRC. This is an ongoing 2-year project.
- Working with Lumpkin County to ensure appropriate upgrades of Pine Tree Way related to elementary school construction.
- Awaiting responses to RFP for design firm for Park Street Water and Sewer upgrades.

Upcoming (these projects are currently either in concept, design or build phase):

- Choice Street sidewalk at Head House
- Arcadia Street water and sewer main project.
- North Grove St. sidewalk upgrades.
- Memorial Park Cemetery storm drain installation.
- Mechanic Street to Morrison Moore sidewalk.
- Oliver Drive storm drain installation.
- Choice St. parking lot overlay.
- Wimpy Mill guardrail replacement.
- Downtown tree installation (East Main).
- Mechanicsville Road storm drain installation.
- Staff has worked closely with GDOT and hopes to see the following projects soon:
 - Resurfacing of a portion of Highway 60 along Crown Mountain new Golden Avenue. Overly course asphalt will be used in an effort to reduce accident frequency in this area.
 - Construction of additional hardscape and greenspace near the East Main/Mechanic/Memorial intersection.



Department Report

Report Title: Water & Wastewater Treatment Department Report January 2022

Report Highlight: The Barlow Lift Station Rehab Project is currently out for bids. The onsite pre-bid meeting is scheduled for Feb 15th with the bids being due and opened on February 23, 2022. After the bids are publicly opened at City Hall, Turnipseed Engineers will evaluate each bid and give us their opinion on the contractor that should be awarded the project. Another project that is well under way is the 2021 Water Audit which is due March 1, 2022. Every public water system that serves a population of at least 3,300 is required to perform this audit every year. This report will be made public once it is certified by a Qualified Water Loss Auditor.

Name and Title: John Jarrard, Water/Wastewater Treatment Director

Recently Completed

- Board replacement on footbridge at Dam
- Long Term BOD testing on Wastewater Plant Effluent
- First half of the Watershed Study for fiscal year 2022
- Lumpkin Leadership Tour of Wastewater Treatment Plant
- Hach Certified Technician serviced laboratory and In-line testing equipment at WTP

Underway:

- 2021 Water Audit
- Cross-Connection Control Program and Backflow Prevention Program (joint work with other departments)
- Advertisement for bids on Barlow Lift Station Rehab Project (Bid opening Feb. 23rd)
- Replacement of outside electrical disconnect boxes at the WWTP
- Motor Bearing replacement on Air Compressor A at WTP
- Design/Purchase Reservoir Boat
- Water Bottles (waiting on bottling company to receive bottles)
- Repairs to Walmart Tank Altitude Valve

Near Term:

- Manifold Replacement at WTP
- Annual Consumer Confidence Report (CCR)
- Lower Crown Mountain Tank interior/exterior painting (American Tank Maintenance)

TRADE NAME REGISTRATION

AFFIDAVIT

Georgia, Lumpkin

County

To whom it may concern:

Please be advised that, Downtown Dahlonega Authoirty whose address is

465 Riley Road, Dahlonega, GA 30533

, and, the City of Dahlonega whose address is 465 Riley Road, Dahlonega, GA 30533 ,

is/are the owner(s) of the certain business now being carried on at

465 Riley Road, Dahlonega, GA 30533

in

the following trade name, to-wit: Downtown Dahlonega ;

and that the nature of said business is:

To stimulate and sustain economic development in Downtown Dahlonega .

This statement is made in conformity with O.C.G.A. § 10-1-490 et seq. requiring
the filing of such statement with the Clerk of Superior Court of this county.

This the day of , .

Filing Party Signature

VERIFICATION

Georgia, County

Personally appeared before the undersigned officer, ,
who says under oath that the above and foregoing statement is true.

Sworn to and subscribed before me on
this day of , .

N. P.

County, State of Georgia



CITY COUNCIL AGENDA REPORT

DATE: February 14, 2022
TITLE: Amendment of Personnel Management System Policies
PRESENTED BY: Allison Martin, Finance Director

AGENDA ITEM DESCRIPTION:

An amendment of the City of Dahlonega Personnel Management System Policies is necessary to reflect changes to certain policies and procedures due to actions by the council and or necessary updates to keep the policy current with best practices recommended by our professional organizations.

HISTORY/PAST ACTION:

The City Council adopted the PMS in 2014. Since then, the document has been amended for various reasons. The document attached for reference is a draft as the final version is not yet ready. The items being proposed for change in the draft version are highlighted. The final draft will be presented to the council prior to the regular meeting.

FINANCIAL IMPACT:

The financial impact is minimal as most changes are existing practices already in place. The one financial change is to increase the amount of the boot allowance from \$100 to \$150 to account for increases in the costs of boots we require our employees in certain safety-sensitive areas to wear.

RECOMMENDATION:

It is recommended that Council approve the amendment to Personnel Policies.

SUGGESTED MOTIONS:

I make a motion to adopt Resolution 2022-XX approving the amendment of the City of Dahlonega Personnel Management System Policies.

ATTACHMENTS:

Resolution 2022-XX Personnel Management System Policies Amendment
Personnel Management System Policies, 2022 draft update

RESOLUTION 2022-XX

PERSONNEL MANAGEMENT SYSTEM POLICIES AMENDMENT

WHEREAS, the City of Dahlonega Mayor and City Council adopted the Personnel Management System Policies on February 3, 2014; and,

WHEREAS, it is desired to modify Sections (full list to be added by legal)

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Dahlonega, Georgia approves the amendment as attached hereto and made a part of the Resolution with an effective date of March XX, 2022.

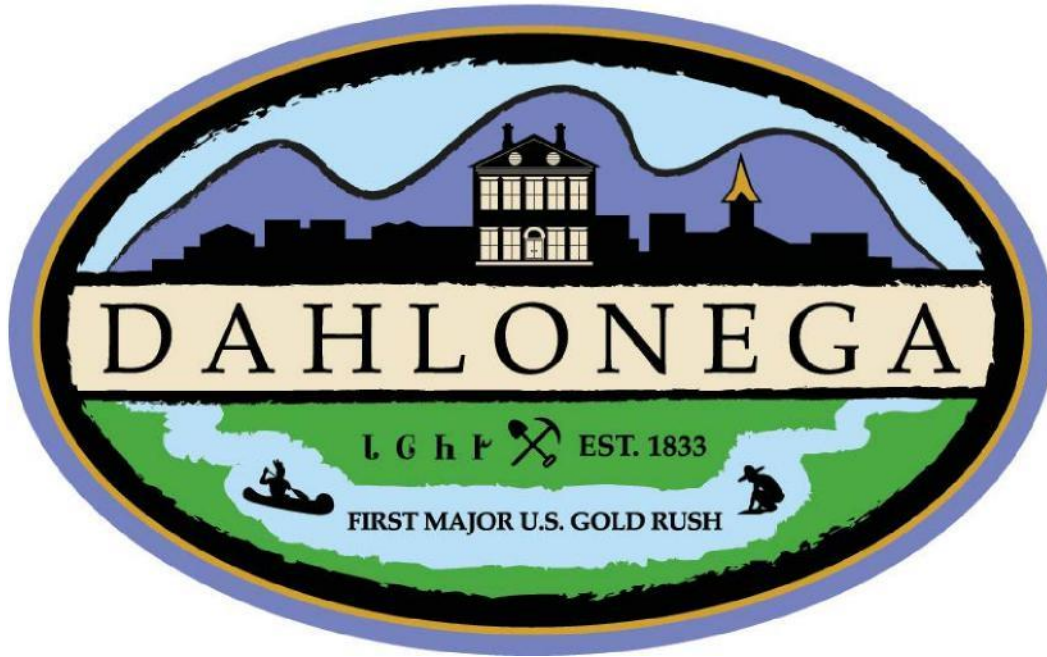
ADOPTED this ____ day of March, 2022.

CITY OF DAHLONEGA, GEORGIA

By: _____
JoAnne Taylor, Mayor

Attest:

Mary Csukas, City Clerk



CITY OF DAHLONEGA

PERSONNEL MANAGEMENT SYSTEM POLICIES

Adopted February 3, 2014

Revised March XX, 2022

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DRAFT



CITY OF DAHLONEGA PERSONNEL MANAGEMENT SYSTEM POLICIES

SECTION 1 – THE WAY WE WORK

Par. 1.100 City Personnel System - The City of Dahlonega Personnel Management System is a system of employment which recognizes that the employees covered by the system should be selected and promoted according to their skills, knowledge, and abilities, and that employees who perform satisfactorily should be retained in their position as long as the position exists.

Par. 1.200 Establishment - The Personnel Management System has been established by the City to provide a fair, equitable, and productive work environment for those employees covered by the system. This system and these policies have been adopted by the governing body of the City.

Par. 1.300 Purpose - The purpose of the Personnel Management System is to establish a system of employment that implements and perpetuates recognized merit principles of public employment. Those principles are:

- a. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- b. Providing equitable and adequate compensation;
- c. Training employees, as needed, to assure high quality performance;
- d. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and

separating employees whose inadequate performance cannot be corrected;

- e. Assuring fair treatment of applicants and employees in aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, genetic information, age, or handicap and with proper regard for their privacy and constitutional rights as citizens; and
- f. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.
- g. Establishing a stable work environment for its regular employees, and therefore the City will employ part time and temporary employees as needed.

Par.1.400 Coverage - These procedures apply to the employees in all departments under the administration of the City Manager. Federal equal employment law recognizes that neither elected officials nor members of their personal staff should be covered by legislation creating permanent positions. Therefore, the City Manager will determine which positions in the City are policy making or personal staff and exclude those positions from coverage by these policies. All other positions will be covered, and those positions will be included in the City's classification plan. **In the event of a conflict between an Employment Agreement and the PMS Policies, the contract language of the Employment Agreement will control.**

Par. 1.500 Administration - The City Manager is responsible for administering these policies.

Par. 1.501 Employee Service Awards – The City of Dahlongega recognizes and shows appreciation to employees who have demonstrated their interest in serving the City of Dahlongega and the citizens of the City through Employee Service Awards. Such Awards are given to eligible employees that meet certain objective criteria and requirements.

Eligibility – The service award date is defined as the initial date of employment with the City of Dahlongega unless there has been a break in service. If there has been a break in service, the service award date is the date of hire for the most recent period of continuous service. Only full-time employees are eligible to receive service awards.

The Service Awards Program recognizes employees' service in increments of five years through retirement and will be presented annually.

Service award dates are not to be confused with any other date determining benefit eligibility.

Par. 1.502 Policy Changes – The governing body of the City reserves the right to change these policies at any time, through resolution and/or City policies and procedures. These policies shall reflect and be superseded by any changes mandated by state or federal legislation.

Par. 1.503 Personnel Records - A record of service will be managed by the Human Resources Administrator for active employees. Service records for terminated employees shall be retained as required under applicable record retention laws. An employee has the right to review and request copies of their personnel file. These requests will be facilitated by the Human Resources Administrator. Open records requests and confidentiality of personnel records will be managed as defined in the City's policies and the Georgia Open Records Act.

It is the responsibility of the employee to notify the City of any personal data changes, such as name, address, phone number, emergency contact information, change in beneficiaries, etc. Name changes will require supporting legal documents (i.e., marriage certificate, divorce decree).

Par. 1.600 Equal Employment Opportunity (EEO) Policy – The City is committed to maintaining a workplace that is free of inappropriate or unlawful conduct on the basis of race, color, religion, sex, national origin, age, disability, genetic information, or other protected group status as provided by law. In keeping with this commitment, the City prohibits the unlawful treatment of employees, including harassment, discrimination, and retaliation, by anyone, including any supervisor, coworker, contractor, subcontractor, vendor, client, visitor, customer, or agent. It is the City's policy to comply with all applicable federal, state, and local laws.

Par. 1.601 Prohibited Conduct - This Policy applies to all aspects of employment, including, but not limited to, recruitment, hiring, promotion, demotion, transfer, lay-off, recall, discipline, compensation, and benefits. Improper conduct also consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status or activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. This includes conduct by someone to another of the same gender. The City prohibits unlawful conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or

offensive working environment. No one, including any manager or supervisor, has authority to engage in such conduct.

If you feel you have been subject to the type of conduct prohibited by this Policy, you must report this conduct in accordance with the City's Complaint Procedure, which is contained in these Policies. You should report any improper conduct before it becomes severe or pervasive, and you do not have to wait until it rises to the level of an unlawful action.

Par. 1.602 [Sexual or Other Unlawful Harassment](#) - Unlawful harassment can take many forms, including based on an individual's sex, as well as conduct based on race, age, or any other protected status. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on a protected class constitute harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions; sexual innuendo; suggestive comments; sexually oriented or racial "kidding" or "teasing;" "practical jokes;" jokes about gender-specific or disability-specific traits; foul or obscene language or gestures; displays of foul, obscene, or racial material; sexually related emails and text messages; and physical contact, such as patting, pinching, or brushing against another's body. An individual who feels he or she has witnessed or been subject to harassment should follow the City's Complaint Procedure, which is contained in these Policies.

Par. 1.603 [Americans with Disabilities Act](#) - It is the City's policy to provide equal employment opportunity to applicants and employees with covered disabilities under the Americans with Disabilities Act of 1990, as amended, ("ADA") or other applicable law. This Policy applies to all aspects of employment and application for employment. As required by the ADA or other applicable law, the City will provide reasonable accommodations to qualified individuals with a disability in the workplace unless such accommodations present an undue hardship or if the individual is a direct threat to the health or safety of the individual or others.

An individual with a disability may request a reasonable accommodation at any time during the application process or during employment. Reasonable accommodations are changes made to the work environment or to the manner or circumstances in which the job customarily is performed that allow an individual with a disability to perform all essential job functions. The City is not required, however, to provide an accommodation if doing so would cause an undue hardship to the City or if the individual is a direct threat to the health or safety of the individual or others in the workplace.

All requests for accommodations will be addressed in connection with an interactive dialogue with the affected individual. To request an accommodation, which may include unpaid leave or modification of your working environment, an individual should complete an Accommodation Request Form (which is available in the City Clerk's office) and return it to the City Clerk.

Upon receiving a request for accommodation, the City will seek an interactive process with the individual to clarify his or her needs and identify the appropriate reasonable accommodation. During this process, the City may request reasonable documentation, including medical documentation, of the individual's disability and need for a reasonable accommodation. Failure to provide required medical information or to otherwise participate in a meaningful way in the interactive dialogue process regarding an accommodation request may result in denial of an accommodation. Because of the personal nature of some disability issues, the City will take every reasonable effort to ensure confidentiality during the review process.

Individuals will be notified of the City's decision regarding their request for an accommodation. Any individual believing that a reasonable accommodation has not been provided should follow the City's Complaint Procedure.

Par. 1.700 Complaint Procedure (Including Complaints for Violation of EEO Policy, Violation of City Policy, or Any Other Unlawful or Inappropriate Conduct)

- All employees should help to assure that the City avoids any form of unlawful or inappropriate conduct. If you feel that you have experienced or witnessed (1) harassment, (2) discrimination, (3) improper denial of a request for accommodation, (4) denial of requested leave under the FMLA, ADA, or otherwise, (5) violation of any policy of the City or policy in these policies, or (6) failure to pay overtime or other violation of the FLSA or wage payment laws, or (7) other unlawful or inappropriate conduct by anyone, including employees, supervisors, coworkers, contractors, subcontractors, vendors, clients, visitors, customers, or agents, you are to notify immediately (preferably in writing within 24 hours) the City Clerk. The address and telephone number for the City Clerk is 465 Riley Road, Dahlonega, Georgia 30533; 706-864-6133. If you are not contacted promptly about your complaint or are not satisfied with the response, you are to re-file it with the City Clerk and also send notification of your complaint in writing by certified mail to our City Manager, whose address is 465 Riley Road, Dahlonega, Georgia 30533. If you are not comfortable discussing the matter with the City Clerk or otherwise do not wish to discuss the matter with the City Clerk, you are to file your complaint directly with the City Manager. The City prohibits unlawful retaliation against anyone who has made a complaint or provides information related to a complaint.

The City will undertake an objective and appropriate review of any complaint and expect all employees to fully cooperate with internal investigations that may be initiated by the City to examine any perceived violation of City policy or

procedure or any other matter. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as it determines is appropriate. The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint. If you have any questions about the status of your complaint, you should contact the City Clerk at the above telephone number and address.

Each employee should be aware that he or she has the right to file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or other state agency as provided by law. According to the EEOC, the deadline for filing any such charge runs from the last date of unlawful conduct, not from the date that the complaint to us is resolved.

Par. 1.701 Intentionally False Claims – The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals making such false accusations of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding misconduct or this Policy with the City Clerk.

Par. 1.800 Immigration Law Compliance - The City employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with all applicable federal and state laws.

Further, the City utilizes E-Verify in order to certify the work eligibility of its employees. E-Verify is an Internet-based system operated by the Department of Homeland Security in partnership with Social Security Administration that allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-Verify works by electronically comparing the information on an employee's Form I-9 with SSA and DHS records to verify the identity and employment eligibility of each newly hired employee.

As mandated by E-Verify, the City displays both the English and Spanish Notices of E-Verify Participation and the Right to Work Posters in plain view of potential employees on the walls of the City Clerk's office. If you have any questions, please contact the City Clerk's office.

SECTION II - DEFINITIONS

Par. 2.100 Adverse Action - An action taken that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

Par. 2. 101 Adverse Affect - The results of an action or decision that is not an adverse action, but which deprives the employee of income or the opportunity to earn more income.

Par. 2. 102 Appointing Authority - The person who has, among other authorities, the authority to appoint and discharge all employees. The City Manager is the appointing authority for the City.

Par. 2. 103 Regular Employee - A full time employee who has achieved regular status by completing all employment requirements including a probationary period. A regular employee works 40 hours per week. A part time employee works 28 hours per week maximum and a temporary employee may work 40 hours per week for a specified time.

Par. 2. 104 Days - When the work "days" is used as a method of counting, it means calendar days unless stated otherwise.

Par. 2.105 Designee - The person or persons to whom the appointing authority delegates certain authority for the administration of the City.

Par 2. 106 Handicapped - Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such an impairment, or who is regarded as having such an impairment.

Par. 2. 107 Immediate Family - Included are the employee's spouse, children, parents, brothers, and sisters. The definition is extended to any other person who resides in the employee's household and who is recognized by law as a dependent of the employee.

Par 2. 108 May- The word may is conditional and implies that there is discretion as to whether a condition exists, or an act or action will take place.

Par 2. 109 Shall/Will - These terms are unconditional and imply that a condition exists, or an act or action will take place.

Par 2. 110 Unlawful Discrimination - Employment practices which are prohibited by state and federal laws, and which include discrimination because of race, color, sex, genetic information, religion, national origin, age, mental or physical handicap, and political affiliation. See EEO Policy.

Par 2.111 Probationary Period - A period of time, usually six months, during which a new employee or an employee who has been promoted to a higher position is being evaluated on job capability and performance.

Par 2.112 On-Call – When an employee's job assignment requires the ability to be contacted and requested to provide services, if necessary, at times other than their regular schedule.

Par 2.113 Rounds – When an employee's job assignment requires the employee to report to work to perform various tasks to ensure the City facilities remain functioning (e.g., lift station check).

Par 2.114 Call-Back – When an employee is called back to work to perform a task or service either in person or via phone or computer.

SECTION III- CONDITIONS OF EMPLOYMENT

Par. 3.100 Work Hours - The minimum work week for employees will be: 1. Regular Employee-40 hours. 2. Part time employee-maximum of 28 hours. 3. Temporary Employee - 40 hours for a specified time. The official work week of the City will begin at 12:01 a.m. Saturday morning and end at 12:00 midnight the following Friday night.

Par. 3.101 Overtime - The City complies with the requirements of the Fair Labor Standards Act and any applicable local law with respect to wages and hours. Please understand that there may be times when you will need to work overtime so that we may successfully meet the needs of the City. However, all overtime must be approved in advance by your manager or supervisor. Non-exempt employees whose work period is one week will be paid at the rate of one and one half the normal rate for all hours worked over forty (40) hours per week.

Exempt salaried employees do not receive overtime pay. Exempt salaried employees are subject to deductions from their salaries only for lawful reasons.

Public safety departments will establish work periods and overtime policies separately as a part of the departmental operating policies. Employees called to work after normal working hours shall be credited with a minimum of three hours work.

If an employee feels he or she has been subject to an improper salary deduction, has been improperly classified as exempt or non-exempt, or has not been paid overtime for any hours worked over 40 in a week, the employee should utilize the City's Complaint Procedure. In the event it is determined that an improper deduction was made or that an employee was not paid any overtime due, the City will reimburse the employee.

Salaried positions are: City Manager, City Clerk, Asst. City Clerk, Water Plant Superintendent, Public Works Superintendent, Finance Director and Planning Director. These positions will not be paid overtime for hours worked in excess of 40 per week except in special situations where prior arrangement and approval are obtained from the City Manager. An exception to this rule will be made in an employee is required to work on a scheduled holiday.

Par. 3.102 Compensatory Time - Compensatory time may be given for hours worked over the minimum number of hours required for a particular job, and employees may choose compensatory time in lieu of overtime pay. Each department will determine the jobs that will receive compensatory time and the method of administering compensatory time. Such time must be approved and taken at the convenience of the City. Compensatory time may not be accumulated but must be taken within thirty days of the time it is earned.

Par. 3.103 On-Call/Rounds & Call Back Pay – Employees will receive fifty dollars (\$50.00) of On-Call pay for each 24-hour shift of on-call status and a minimum of three (3) hours of call-back compensation for the on-call shift if the employee is called in to work. Employees who complete rounds will receive three (3) hours of pay at their regular rate unless the employee spends more than three (3) hours to complete the rounds in which case the employee will be paid for the additional time. Employees should contact their supervisor or HR with any questions relating to this policy. If you contend you have not been paid properly, please utilize the City's Complaint Procedure.

Par. 3.104 Recording Your Time - We want to be sure that you are paid fairly for all hours that you work. To accomplish this, we must have an accurate record of the time that you work. The City uses timesheets to keep time records. Your supervisor will explain how these timesheets are used. The important points to remember are:

1. Be sure that you record the start of your shift.
2. Be sure you record the beginning of your lunch period.
3. Be sure you record the end of your lunch period.
4. Be sure you record the end of your shift.
5. If you leave the building on non-City business, you must record this information.

Using any timesheet other than your own, or tampering with a timesheet in any way, will result in disciplinary action up to and including discharge. Any change or omission from a timesheet must be approved by your supervisor.

Further, non-exempt employees are not to perform any work that is not recorded by the time system. You must always make sure you record accurately your time using the standard time recording system. If you are asked/instructed by anybody in the City to perform work "off the clock," (in other words, perform work without reporting it on your timesheet) you are directed to refuse. Make sure you record your work time using the standard time recording system. Also, if you are asked to work "off the clock," or without recording your time, you should immediately report the situation by utilizing the City's Complaint Procedure. Finally, if you contend you have not been paid time for all hours worked, please utilize the City's Complaint Procedure.

Par. 3.105 Mealtime - A sixty (60)-minute, unpaid meal break must be taken each day by all non-exempt employees. You should be completely relieved of your duties during this meal break. Your manager or department head is responsible for approving the

scheduling of this meal break. This time must be recorded on your timesheet, which is explained in the City's policy on Recording Your Time.

If circumstances occur that you are not able to take your 60-minute uninterrupted meal break in which you were completely relieved of your duties, you should adjust your time entry in your timesheet record to show that you did not take any meal break, and you will be credited for working the entire 60-minute meal break.

If you are asked or instructed by anybody in the City to perform work "off the clock" (in other words, perform work without reporting it on the time system) during your 60-minute meal break, you are directed to refuse. Also, if you are asked to work "off the clock" during your meal break, you should immediately report the situation by utilizing the City's Complaint Procedure. Finally, if you contend you did perform work during a meal break and have not been paid accurately for that time, please utilize the City's Complaint Procedure.

Par. 3.106 Attendance and Punctuality - Attendance and punctuality are important factors for your success within the City. We work as a team, and this requires that each person be in the right place at the right time. Failure to meet the expectations of the City in the area of attendance and punctuality will result in disciplinary action, up to and including termination.

If you are going to be late for work or absent, you must notify your supervisor before the start of your workday. You are required to speak with your manager or supervisor directly, or, if your supervisor is not available, you must speak with another manager or supervisor. It is not acceptable to have another person call for you or leave a message at the switchboard or with a co-worker.

Par. 3.107 Nursing Mothers - The City complies with applicable provisions of the Patient Protection and Affordable Care Act. Consistent with this statute, the City provides all nursing mothers who are non-exempt employees under the Fair Labor Standards Act with reasonable break time to express breast milk for the nursing of a child for one year following the birth of a child, unless doing so creates an undue hardship. In the event that nursing breaks do not cause an undue hardship, the City will provide a private place other than a bathroom where a non-exempt nursing mother may express breast milk. These breaks will be unpaid. Please direct all requests regarding this Policy to the City Clerk. If you have any complaint regarding this Policy, please utilize the City's Complaint Procedure.

Par. 3.108 Telecommuting - The City of Dahlonga supports telecommuting work arrangements and allows the City Manager to implement these arrangements, where appropriate, for eligible employees.

Telecommuting work arrangements may be implemented when they benefit the City of Dahlonga in one or more of the following ways:

- 1) City of Dahlonaga Citizens -To provide Citizens with an even higher level of service with no delays at the beginning of the business day and continue this level of service until the close of the day.
- 2) City of Dahlonaga as an Employer – To improve recruitment and retention of high-quality employees, to decrease employee vacancy rates and to provide a no-cost enhancement to the City's work environment.
- 3) City of Dahlonaga Employees – To improve job satisfaction, employee morale, effectiveness, and productivity; promotes employee health, wellness and reduces absenteeism by helping employees face the demands of juggling work, family, and life related issues. Reduce employee's time of commute, cost of fuel and vehicle maintenance.
- 4) Sustainability – To position the City as a leader for solutions to reduce traffic congestion and improve air quality and maximize the utilization of City facilities and resources.
- 5) Emergency – To provide a solution in times of emergency that allows continuance of City business when work from a remote location is beneficial over work from the City worksite. Emergency situations include, but are not limited to, inclement weather, pandemic or other health-related situation, transportation-related concerns, and threats to employee safety.

The City of Dahlonaga considers telecommuting to be a viable alternative work arrangement in cases where individual, job and supervisor characteristics are best suited to such an arrangement. Telecommuting allows an employee to work at home, on the road, or in a satellite location for all or part of their regular workweek. Telecommuting is a voluntary work alternative that may be appropriate for **some** employees and **some** jobs. **It is not an entitlement; it is not a City of Dahlonaga-wide benefit; and it in no way changes the terms and conditions of employment with the City.**

Under no circumstances are employees permitted to work at home without prior permission. Any attempt to do so, with or without reporting such time, will result in disciplinary action in accordance with the City's discipline policy.

Before granting permission for short-term work at home arrangements supervisors should know the specific work to be performed and the projected amount of time expected. If the work at home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state law, then the supervisor should consult the overtime policy before granting permission.

Procedure:

1. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or formal, as will be described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization, and with the consent of the employee's health care provider, if appropriate. **All**

informal telecommuting arrangements are made on a case-by-case basis, focusing on the business needs of the organization first.

2. The City of Dahlonaga will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, facsimile equipment or software, photocopiers, etc.) for each telecommuting arrangement on a case-by-case basis. The human resource department will serve as a resource in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter should sign an inventory of all office property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment all City property will be returned to the City unless other arrangements have been made.
3. Consistent with the City's expectations of information asset security for employees working at the office full-time, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include, but are not limited to, use of locked file cabinets, disk boxes and desks, regular password maintenance, and any other steps appropriate for the job and the environment.
4. The employee will establish an appropriate work environment within their home for work purposes. The City will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. Employees will be offered appropriate assistance in setting up a workstation designed for safe, comfortable work.
5. The City will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. The City will also reimburse the employee for all other business-related expenses such as phone calls, shipping costs, etc. that are reasonably incurred in accordance with job responsibilities. Expenses must be pre-approved by the City.
6. The employee and manager will agree on the number of days of telecommuting allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone or modem within a reasonable time period during the agreed upon work schedule.
7. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to record all hours worked in a

manner designated by the organization. Telecommuting employees will be held to a higher standard of compliance than office-based employees due to the nature of the work arrangement. Hours worked in excess of those specified per day and per work week, in accordance with state and federal requirements will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate cessation of the telecommuting agreement.

8. Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement paying particular attention to the following areas:
 - a. Employee Suitability - the employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
 - b. Job Responsibilities - the employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
 - c. Equipment needs, workspace design considerations and scheduling issues.
 - d. Tax and other legal implications for the business use of the employee's home based on IRS and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.
9. Evaluation of telecommuter performance during the trial period will include daily interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the conclusion of the trial period the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than time-based performance.
10. Telecommuting is NOT designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into a trial period.
11. Employees entering into a telecommuting agreement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize organization office space needs.

12. The availability of telecommuting as a flexible work arrangement for employees of The City can be discontinued at any time at the discretion of the employer. Every effort will be made to provide 30 days' notice of such a change to accommodate commuting, childcare and other problems that may arise from such a change. There may be instances, however, where no notice is possible.

TELECOMMUTING OFFICE GUIDELINES

Setting up a telecommuting office requires some advance planning to ensure you have an adequate workspace and the necessary equipment and supplies. Important considerations to keep in mind when planning the telecommuting workspace are:

- The work area must be quiet and free of distractions.
- Lighting must be adequate and without glare. (The employer will not pay for reconstruction of the employee's home to develop a home office.)
- Distracting noise should be kept to a minimum.
- Your desk must be adequate, designed to safely accommodate the equipment you must use (computer keyboard, etc.).
- Comfortable chair with adequate back support (employer will not provide furniture for employee's home office).
- Equipment--Computer, fax, modem, printer, etc., must be available for your exclusive use while telecommuting and must be compatible with the equipment you use in your office at work.
- Each employee must make arrangements with his or her supervisor regarding the use of City owned equipment in the employee's home, but in no event may the use of such equipment impede the company's access to such equipment, nor change the company's ownership of such equipment. The employee will be responsible for the costs of installation of necessary modem and communications software.
- Supplies--The employee is not responsible for purchasing supplies (paper, print cartridges, etc.) necessary for work performed at home. However, the employee must coordinate closely with the supervisor and office services administrator regarding the use of the company's supplies.

Be aware that the City is not responsible for insuring your equipment in your home. If you are using your own equipment and it breaks while performing work for the City, the City is **not** liable.

The City of Dahlonga Offices will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday unless otherwise determined by the City Manager. Except for emergency situations, telecommuting work arrangements shall not result in the closing of any offices.

Telecommuting work arrangements shall not diminish the ability of the City to meet all operational requirements, service to the citizens, or the ability to assign responsibility and accountability to individual employees for the provision of services and performance of their duties.

No new positions are to be created as a result of telecommuting work arrangements. Telecommuting work arrangements shall not result in automatic overtime or compensatory time.

The City Manager will have the final authority in the applicability of Telecommuting Work Arrangements for each situation and shall have the right to terminate the program at any time.

Par. 3.109 Changes in Personal Data - We need to maintain up-to-date information about you so we would be able to aid you and/or your family in matters of personal emergency. Changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries should be given promptly to the **Human Resources Administrator**.

Par. 3.200 Holidays - The following are the official holidays that will be observed:

- a. New Year's Day (January 1)
- b. Martin Luther King Day (Third Monday in January)
- c. Memorial Day (Last Monday in May)
- d. Independence Day (July 4)
- e. Labor Day (First Monday in Sept.)
- f. Veterans Day (November 11 – Observed only if holiday falls on Monday through Friday)
- g. Thanksgiving Day and Friday following Thanksgiving
- h. Christmas Eve and Christmas Day (December 24 and 25)

Part time employees will receive pay for one half of a scheduled holiday. Temporary and part time employees must be employed for 30 days before receiving holiday pay. Regular employees will receive normal pay for holidays.

Par 3.201 Observation of Holidays - Employees may be required to work during the above holidays. Those employees who are required to work may receive the equivalent consecutive days off at another time as determined by the employee and the appointing authority. If days off cannot be scheduled, employees who are required to work on a scheduled holiday will be paid at one and one-half times the regular rate for all time worked plus pay for the holiday. This policy applies to both hourly and salaried employees. A person must work either the day before or the day after a holiday in order to be paid for the holiday. If a holiday falls on Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday.

Par. 3.300 Inclement Weather - The following policies shall apply for paying employees during inclement weather resulting in the closing of City Hall:

Par. 3.301 Public Works, Water Distribution, Water Treatment, Waste Treatment – (hourly employees) Public works, water distribution, water treatment, and waste treatment employees are required to check in with their supervisor as soon as it is determined they will not report to work. The supervisor must be notified at least one-half hour prior to the time they are due to report to work. These employees have an obligation to report to work during emergencies and are expected to be on the job. If ice, snow, or other conditions prevent the employee from getting to work, the City may send a supervisor to bring the employee to the work site.

Par. 3.302 Public Works Employees – Public works employees will be paid for their regular 8 hours per day actually worked. Additionally, they will be paid time and one half for hours worked over the 40-hour week. Employees that do not report to work will be allowed to use PTO. Employees who work a partial day will be allowed to use PTO hours to complete the 8-hour workday.

Par. 3.303 Administration - Hourly employees will be paid for 8 hours only if the City Manager announces that City Hall will be officially closed due to inclement weather or other emergencies. A maximum of two days will be paid. Employees will be allowed to use PTO to compensate for any days missed in excess of two days.

Par. 3.304 Reserved.

Par. 3.305 Reporting for All Exempt Employees--Department Heads, Supervisors – All exempt employees must report to work unless otherwise directed by the City Manager. Exempt employees are expected to devote the time needed to complete the project or resolve the emergency. Management employees and the City manager will work together to provide time off for the employee for hours worked above and beyond the normal work week.

Par. 3.3.06 Essential Personnel – Emergency Preparedness

For purposes of preparedness and response to major weather events which occur in the Dahlonga area (severe storms, hurricanes, tornadoes, and snow), Essential Personnel includes the City Manager, City Engineer (Director of Public Works), City Marshal and associated mission critical non-exempt field or office employees. Essential Personnel, including both exempt and non-exempt employees, may be required to work after normal working hours and for extended continuous periods. They may also be required to temporarily shelter/eat/lodge overnight at City-owned properties, rather than traveling to/from their place of residence or working their typical shift. Accordingly, non-exempt employees required to work after normal working hours due to City emergencies, as determined by the City Manager and/or City Council, may be compensated for that time worked in excess of eight hours within a twenty-four-hour period at the normal overtime rate of one-and-a-half times their normal hourly rate, at the discretion of the City Manager and as required by federal and local laws.

Par 3.400 Prohibited Activities - Because public employees are in positions created for the public and funded by the public, the public has the right to expect that the

incumbents in the positions will not abuse the trust placed in them by the public. The employees of the City of Dahlonega are expected to observe and honor the laws of the State of Georgia, the ordinances of Dahlonega and Lumpkin County and federal laws. The following are some activities that are specifically prohibited:

Par. 3.401 Political Activities - Because the employees are protected from political patronage by these policies, the governing authority expects the employees to avoid public political activities. Neither their position nor City time should be used for political purposes, nor should the employee actively campaign for any candidate. The employees may express their political opinions privately, and the officers of the City encourage the employees to vote for the candidate of their choice.

Par. 3.402 Gifts and Gratuities - No employee should accept significant gifts or gratuities (in excess of \$100) from anyone who might expect to receive return favors from the City. Although gifts are often sent by vendors, suppliers, or customers of the City to employees as an expression of a friendly association, the acceptance of these gifts may establish in the mind of the vendor, supplier, or customer who sent the gift the need to continue such a practice in order to continue business with the City. This detracts from the City's emphasis on service to customers. It is difficult to justify this practice from the standpoint of ethical business conduct.

Par. 3.403 Use of Intoxicants - Employees should neither possess or consume any intoxicating drug such as alcohol during work hours or come to work in an intoxicated state.

Par. 3.404 Conflict of Interest - While employed by the City, it is your obligation to act at all times in the best interest of the City and not allow any personal activity to conflict with or interfere with your service to the City. As a result, the assumption of or engagement in any interest, relationship or activity by an employee tending to impair the independence of such person's judgment with respect to the best interest of the City constitutes a conflict of interest. Employees must report in writing all situations involving even a possible conflict for review by the City Clerk and thereby avoid any attempt to judge their own case. Opportunities to engage in any community work or to serve in any customer organization, including a savings and loan association, real estate firm, etc., or your doubts about outside business interests or activities should be discussed with the City Clerk or City Manager. The City expects its employees to exercise the utmost good faith in the performance of their duties. Keeping the City informed will enable you to receive proper recognition for individual efforts and will avoid any conflict with established City policies.

Par. 3.405 Abuse and Misuse of Equipment and Supplies - Employees are entrusted with the use of public equipment and supplies. The abuse or misuse of City equipment and supplies can lead to appropriate disciplinary actions.

Par. 3.500 Employment of Relatives - An otherwise qualified candidate is excluded from consideration for a vacancy or transfer if a potential conflict of interest involving a

relative would be created. For purposes of this Policy, a relative includes an individual who is related by blood, marriage, or adoption. Examples of relatives include a spouse, parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, or corresponding in-law or stepfamily relation.

Candidates are ineligible for employment, promotion, or transfer to a job where an employee who is a relative would recommend or approve hiring, termination, performance appraisals, pay changes, disciplinary actions, or promotions for the candidate. No employee may directly or indirectly supervise a relative. Failure to disclose the name of a relative who is a City employee or applying for employment is grounds for discipline, including termination.

Par. 3.600 Non-Fraternization - The City prohibits dating or romantic relationships between a supervisor and a subordinate who reports either directly or indirectly to that supervisor. This prohibition applies to all employees regardless of their marital status. In the event a supervisor and subordinate desire to date or enter into a romantic relationship, the supervisor should immediately notify the City Clerk so that the City may take appropriate steps to avoid any adverse impact in the workplace. This may include the transfer, reassignment, or resignation of one (or both) of the employees involved. The City may, at its discretion, also require any participants in a consensual romantic and/or sexual relationship to execute a Consensual Relationship Agreement. The City will address these situations as confidentially and discreetly as possible. When a violation of this Policy is determined to have occurred, appropriate disciplinary action, up to and including discharge, will be taken.

Par. 3.700 Solicitation/Distribution - Solicitation by an employee of another employee, including but not limited to, solicitation for contributions, sale of merchandise, or memberships in clubs or organizations, circulation of petitions, and all other forms of solicitation, is prohibited while either the person doing the soliciting or the one being solicited is on his or her working time. Solicitation by non-employees on City premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in the working areas of the City is prohibited at any time. Distribution of literature by non-employees on City premises is prohibited at all times.

Par. 3.800 Job Reference Policy - The City's reference policy is that employees are not to provide any reference regarding a current or former employee's employment with the City. Any request for a reference or employment history of any kind should be directed to the City Clerk. For your information, the City Clerk or his/her designee's response will be limited to providing dates of employment and job positions.

Upon written request with authorization from the former employee, the City will provide salary history. Again, this information will only be given by the City Clerk or his/her designee, and no employee is authorized to provide any information of any kind concerning a current or former employee.

SECTION IV -- EMPLOYMENT PRACTICES

Par. 4.100 Objectives - The objectives of establishing the following employment practices are (1) to comply with the accepted merit principles of civil service systems listed in Section I, and to (2) enhance the employment conditions in the City with the belief that fair and equitable employment practices lead to greater job satisfaction and productivity.

Par. 4.200 Announcements – Job opening announcements will be posted in conspicuous public places and announced in appropriate public communications media.

Par. 4.201 Employment Applications - We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the applicant from further consideration for employment or, if the person has been hired, disciplinary action, up to and including termination of employment.

Par. 4.300 Security Clearance - In employment areas such as public safety and finance where the public has a compelling interest in the security of property and life, applicants for employment, promotion, and transfer will be asked to supply personal information that would not be needed in other employment areas.

Par. 4.400 Types of Appointments - The City recognizes two (2) types of appointments that apply to both original appointments and to promotions. They are non-competitive and competitive appointments.

Par. 4.401 Non-Competitive Appointments - It will be the City's policy to promote from within whenever possible. This type of appointment applies to temporary and part time employees.

Par. 4.402 Competitive Appointments - Competitive appointments are the normal practice of the City. When a vacancy occurs, a recruitment plan will be developed and implemented by the appointing authority. An applicant must be considered qualified for the job to be employed, and the best qualified applicant will be employed.

Par. 4.500 Probationary Period - The first six (6) months of employment in positions of original appointment, promotion, or transfer to a class that has different qualifications (knowledge, skill, or abilities) shall be a Probationary Period. During this period the employee has no right to expect continued employment in that position and employment can be terminated at any time. If an employee is promoted and is deemed to be unsatisfactory in the new job, he shall be given the opportunity to return to his old job if there is a vacancy.

Par. 4.600 [Job Mobility](#) - It is possible for employees to voluntarily move upward, downward, or laterally in the organization. It is also possible for the employee to be involuntarily moved in any of the three directions.

Par. 4.601 [Transfer](#) - If a position is open at an equivalent pay grade, an employee may request transfer to that position. If the knowledge, skill, and abilities required for that job are not the same as for the present job, the employee will be tested and interviewed for the new position and will be in a probationary period for the new job if transferred. The appointing authority may transfer an employee to any position, at any pay grade, if the employee is qualified to do the work and if their salary is not changed. A temporary transfer to a higher position may be made for up to ninety (90) days without giving a salary increase.

Par. 4.602 [Promotion](#) - It will be the policy of the City to promote from within when possible. Candidates for promotion will be tested and interviewed for the open position.

Par. 4.700 [Performance Reviews](#) - Your performance is important to the City. Your supervisor or higher-level manager will normally review your job progress within the City on a periodic basis during your employment.

Performance reviews are designed to provide a basis for better understanding between you and the City, with respect to your job performance, potential and development within the City. Please understand, however, that a positive performance review does not guarantee an increase in compensation, a promotion or continued employment as compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of the City.

Par. 4.800 [Separations](#) - An employee may voluntarily resign, abandon the job, be separated in a reduction-in-force, or be dismissed for disciplinary reasons as described in these Policies.

Par. 4.802 [Job Abandonment](#) - Employees who are absent from work for three (3) or more consecutive days without having received leave approval or without having called in to report the absence will be considered as having voluntarily abandoned their jobs. The separation will not be in good standing and may affect the receipt of accrued benefits.

Par. 4.803 [Reduction in Force](#) - A reduction-in-force may be necessary when a position or group of positions must be closed because of lack of work or funds. Employees who are separated in a reduction-in-force will be treated as if they were on leave of absence for one (1) year and will receive preference in rehiring should a position for which they are qualified open within that year.

SECTION V- LEAVE

Par. 5.100 Types of Leave - The City recognizes several types of leave that are available to employees. They are paid time off (PTO), military leave, court leave, bereavement leave, Family Medical Leave Act of 1993 ("FMLA") leave and leaves of absence under Par. 5.700 and 5.800.

Par. 5.101 Anniversary Date - PTO shall be calculated from the day of original appointment and each anniversary thereof in accordance with the rates specified in Par. 5.202. Employees taking leaves-of-absence under Par. 5.700 or Par. 5.800 shall not accrue PTO while on such leave; therefore, the anniversary date of any such employee will be adjusted to reflect the amount of time the employee was on leave-of-absence.

Par. 5.102 Annual Leave - Annual leave is no longer recognized as a separate type of leave. Annual leave balances accumulated as of December 31, 2018, up to a maximum of 320 hours (40 days), are transferred in full to PTO accrued leave. All references in this policy to "annual leave" should be replaced with "PTO".

Par. 5.200 PTO – Except as otherwise provided herein, PTO is to be used for vacations, sickness, medical appointments, personal or family business, and other nonwork-related time off not covered by any other type of leave recognized by the City. PTO must be approved by the appointing authority or his designee. Employees performing key control or accounting functions must take PTO for a period of five consecutive days at least once each fiscal year.

Par. 5.201 Eligibility - All full-time regular employees shall accrue PTO as provided in Par. 5.101.

Par. 5.202 Accrual Rate - Eligible employees shall accrue PTO based on service years according to the below table.

Hired before January 1, 2019				Hired on or after January 1, 2019			
Service Years	Weekly PTO Accrual Rate	Annual PTO Accrual Hours	Annual Maximum PTO Hours	Service Years	Weekly PTO Accrual Rate	Annual PTO Accrual Hours	Annual Maximum PTO Hours
Less than 10	3.07 hours	160	200	Less than 1	1.15 hours	60	60
10 - 14	3.84 hours	200	250	1 - 4	2.30 hours	120	150
15+	4.61 hours	240	300	5 - 9	3.07 hours	160	200
--	--	--	--	10 - 14	3.84 hours	200	250

--	--	--	--	15+	4.61 hours	240	300
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Par. 5.203 Maximum Accumulation - PTO hours may exceed the above-stated "Annual Maximums" only as follows:

- a. (Applies only to employees employed by the City prior to January 1, 2019) PTO will be permitted to exceed the applicable Annual Maximum to the extent such excess results from annual leave balances transferred in accordance with Par. 5.102, Transferred annual leave balances are deemed accrued and will be paid out upon separation.
- b. PTO may continue to accumulate in excess of the applicable Annual Maximum from October through September of each fiscal year in order to provide scheduling flexibility around peak workload periods. PTO hours accumulated over the Annual Maximum in accordance with this sub-paragraph are not deemed accrued and will be forfeited if not used by the last day of the last pay period in September of each year. PTO balances will be reduced to the Annual Maximum after the last check processing in September of each year and, upon separation, employees will only be paid for unused PTO up to the annual maximum accrual amount.

Par. 5.204 Request for Leave When Prior Approval Not Feasible - Generally, all PTO must be requested and approved before the leave is taken. Where the circumstances necessitating PTO prevent the employee from requesting and obtaining prior approval, however, the employee shall report the PTO absence prior to his scheduled work time if possible, and if not, the employee shall see that the PTO absence is reported within one (1) hour after the scheduled time for the employee to begin work.

Par. 5.300 Sick Leave - Except as provided in Par. 5.303, sick leave is no longer recognized as a separate type of leave.

Par 5.301 Eligibility - Effective January 1, 2019, employees are no longer eligible for sick leave. Except as provided in Par. 5.303, employees must utilize PTO for illness, injury, for medical or dental procedures, examinations, or appointments, and for other medical-related necessities affecting the employee or a member of his immediate family.

Par 5.302 Accumulation Rate - Effective January 1, 2019, employees shall no longer accrue sick leave. (This replaces the former paragraph identified as paragraph 5.402).

Par 5.303 Maximum Accumulation - Sick leave balances accumulated as of December 31, 2018, shall NOT be transferred to PTO accrued leave; however, any employee with a pre-2019 sick leave balance will continue to be permitted to use such sick leave for bona fide illness and injury and other medical-related necessities affecting

the employee or a member of his immediate family, such as medical or dental procedures, examinations, or appointments. Any employee with such pre-2019 sick leave balance must exhaust this balance before using PTO for illness or injury, and before accessing any disability benefits provided by the City.

Par. 5.304 Reporting – (Applies only to employees with pre-2019 sick leave balances) Any employee with a pre-2019 sick leave balance shall report any sick leave absence prior to his scheduled work time if possible, and if not, the employee shall see that his absence is reported within one (1) hour after the scheduled time for the employee to begin work.

Par. 5.305 Approval for Sick Leave - (Applies only to employees with pre-2019 sick leave balances) Sick leave taken by any employee with a pre-2019 sick leave balance requires the approval of the appointing authority or his designee.

Par. 5.306 Physician's Certificate - (Applies only to employees with pre-2019 sick leave balances) A medical statement signed by a licensed physician, dentist, or medical professional may be required to substantiate sick leave:

- a. For an absence of three (3) or more consecutive days.
- b. Requested during PTO.
- c. At any time when absence recurs frequently or habitually, provided the employee has been warned.

Par. 5.307 Voluntary Leave Transfer Program -

Description - Under the Voluntary Leave Transfer Program (VLTP), an employee with more than eighty-four (84) combined hours of leave may donate leave to another employee who has a personal or family medical emergency and who has exhausted his or her available paid leave, consistent with program requirements. A maximum of 180 hours may be donated to the employee. Employees wishing to donate leave to the designated employee may not donate less than four (4) hours or more than (40) and must maintain a minimum of eighty (80) hours of leave. Donated time will be accepted on a first-come-first-served basis until the maximum donation amount is reached. Other submitted donation forms will be returned to the potential donor with notification that the maximum donation amount has been reached.

Definitions

- a) Medical Emergency. A medical emergency is a medical condition of either the employee or the employee's family member (see below) that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income because of the employee's lack of available paid leave.

- b) Note: The threshold for “a substantial loss of income” is absence (or expected absence) from duty without available paid leave for at least 24 work hours for a full-time employee.
- c) Family Member: The definition of family member includes spouse; parents; parents-in-law; children; brothers; sisters; grandparents; grandchildren; stepparents; stepchildren; foster parents; foster children; and guardianship relationships.
- d) Available Paid Leave includes an employee's accrued, PTO or sick leave. It does not include compensatory time.

Application to Become a Leave Recipient

An employee should apply through Human Resources to become a leave recipient. If the member is not capable of making written application, a personal representative may make the application on behalf of the employee.

Each application should include:

- The name, position title, and grade or pay level of the potential leave recipient.
- The reasons transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency affecting the potential leave recipient.
- Any additional information required by the City.

Note: When an employee requests a leave transfer for a family member, the City may require the employee to document his or her relationship with that family member.

Approval or Disapproval of Application to Become a Leave Recipient

Human Resources must determine that a full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 work hours, which may be consecutive or intermittent. This period of unpaid absence qualifies as a substantial loss of income for purposes of the medical emergency determination.

Human Resources (the deciding official) must review the employee's application and notify the employee of the approval or disapproval of the application within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application is received. If disapproved, a reason for disapproval must be given.

Use of Donated Leave

A leave recipient may use donated annual leave only for purposes related to the medical emergency for which the leave recipient was approved. A leave recipient must use any accrued leave (and sick leave, if applicable) before using transferred leave.

Leave transferred under the VLTP to a leave recipient may be —

Substituted retroactively for any period of leave without pay used because of the medical emergency.

Leave transferred under the VLTP to a leave recipient may not be —

- Transferred to another leave recipient except by election of the leave donor;
- Included in a lump-sum payment for leave.

Limitations on Leave Donations

In any leave year, an employee may not donate less than four (4) hours or more than (40). Employees wishing to donate leave to a specific employee may not deplete their own leave account below 80 hours.

Termination of the Medical Emergency

The medical emergency terminates:

- a) When the leave recipient's service is terminated;
- b) At the end of the biweekly pay period in which the leave recipient provides written notice that the medical emergency is over;
- c) At the end of the biweekly pay period in which the City determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over; or,
- d) At the end of the biweekly pay period in which the City receives notice that the leave recipient has been approved for disability retirement.

The City must monitor the status of the medical emergency to ensure that it continues to affect the leave recipient. When the medical emergency terminates, the City may not grant further requests for transfer of leave to the leave recipient.

Termination of Payment of Donated Leave

Termination of donated leave payments will occur when either the maximum donated amount is paid out or the maximum donation amount of 180 hours is paid out.

Par. 5.400 [Military Leave](#) - Georgia law requires that paid leave be granted to members of the Reserve and National Guard under certain conditions and leave of absence is required under other conditions. These policies are in compliance with the law.

The City will comply with its obligations for those employees who serve in any branch of the United States uniformed military services, including providing any necessary time off, in accordance with federal, state, and local law. The Family and Medical Leave Act of 1993 ("FMLA") contains provisions regarding certain types of military leave. This is addressed in detail in the Family Leave Policy. If you believe you have been denied leave to which you are entitled, you may file a complaint pursuant to the City's Complaint Procedure.

Par. 5.401 [Ordered Duty](#) - In compliance with Georgia Code §38-2-279 any employee ordered to military duty shall be placed on military leave with pay for a period of time not exceeding a total of 15 days in any one calendar year and not exceeding 15 days in any one continuous period of absence, except as otherwise required by code section 38-2-279.

Par 5.402 [Declared Emergency](#) - According to Georgia Code §38-2-279 in the event the governor declares an emergency and orders an employee to state active duty as a member of the National Guard, the employee shall receive pay for a period not exceeding 30 days in any one calendar year and not exceeding 30 days in any one continuous period of active-duty service.

Par. 5.403 [Leave-of-Absence](#) - According to Georgia Code §38-2-279, any voluntary members of the Reserve or National Guard shall be entitled to absent himself and shall be deemed to have a leave-of-absence as an employee while in attendance at any service school conducted by the armed forces of the United States for a period up to six months during any four (4) year period. Leave-of-absence may be granted in cases of temporary disability and possibly other emergency situations. A leave-of-absence prevents a break in service, but no benefits such as leave or time toward retirement shall accrue during leave of-absence.

Par. 5.404 [Reserved.](#)

Par. 5.500 [Family Medical Leave Act \(FMLA\) Leave](#) - FMLA provides unpaid, job-protected leave to eligible employees for certain family and medical reasons, without loss of health insurance benefits. The existence of this Policy shall not alter or expand the statutory requirements of the FMLA, and application of this Policy is correspondingly limited to those who are protected based on the provisions of the FMLA.

The following information is provided to explain the employee's rights and obligations when requesting a family or medical leave:

Par. 5.501 [Eligibility for FMLA Leave and Amount of Leave](#) - To be eligible for leave under this Policy, an employee must have been employed for a total of twelve (12)

months, must have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave, and must work at a facility with 50 or more employees within a 75-mile radius of this worksite.

An eligible employee may take FMLA leave for up to 12 weeks of unpaid leave for one or more of the following reasons: (1) the birth of the employee's child; (2) placement of a child with the employee for adoption or foster care; (3) to care for the employee's child, spouse, or parent who has a serious health condition; (4) the employee's own serious health condition that makes the employee unable to perform the functions of his or her job, or (5) because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a member in the National Guard or Reserves who has been deployed to a foreign country under a call or order to active duty (or has been notified of an impending call or order to active duty) or is a member of the regular Armed Forces who has been deployed to a foreign country. An employee may take a total of 12 workweeks of unpaid leave for the reasons specified above during a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

If you and your spouse are both employed by the City, the two of you together are entitled to a combined total of 12 weeks of FMLA leave for the birth, adoption, or placement of a child, or to care for a covered family member with a serious health condition. The right to FMLA leave for the birth, adoption, or placement of a child expires 12 months after the date of the birth, adoption, or placement.

An eligible employee may take up to twenty-six (26) weeks of unpaid, job protected leave in a single 12-month period (measured beginning on the date the leave begins) to care for a spouse, child, or parent who is a covered service member. The term "covered service member" means: (i) a service member (including in the Regular Armed Forces, the National Guard, and the Reserves) who has a serious injury or illness that was incurred or aggravated in the line of duty while on active duty for which he or she is undergoing treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or (ii) a veteran undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness that was incurred or aggravated in the line of duty while on active duty and who was a member of the Armed Forces (including in the National Guard or the Reserves) within five (5) years preceding the date the veteran undergoes that treatment, recuperation, or therapy.

FMLA leave to care for a seriously ill or injured service member runs concurrently with other leave entitlements provided under federal, state, and local law. Leave that qualifies as both leave to care for a covered service member and leave to care for a family member with a serious health condition during a single 12-month period may not be designated and counted as both types of leave. Such leave will be designated first as leave to care for a covered service member.

Unless otherwise required by law, no employee will be entitled to more than a combined total of 26 weeks of leave in a single 12-month period for any FMLA-qualifying reason.

The FMLA permits eligible employees to take leave intermittently or on a reduced-schedule leave when medically necessary for: the serious health condition of the employee's or the employee's family member or to care for a covered service member with a serious injury or illness. In the case of planned medical treatment, the employee must attempt to schedule the intermittent or reduced schedule leave so as not to unduly disrupt the City's operations. Intermittent leave is not available for the birth, adoption or placement of a child unless agreed to by the City Manager. The City Manager may transfer the employee temporarily to an alternative position with equal pay and benefits that better accommodates any recurring periods of intermittent leave.

If an employee is entitled to PTO or other paid leave under another benefit plan or policy (which includes, but is not limited to, short-term disability leave or unused sick leave under Par. 5.303), the employee must utilize the PTO or other paid leave concurrently with the FMLA leave. In such a case, the employee is required to satisfy any procedural requirements for utilizing the PTO or other paid leave as provided in these Policies.

Par. 5.502 [Request for and Designation of FMLA Leave](#) - To request FMLA leave, the employee must complete and sign a Request for Family and Medical Leave form and submit it to the City Clerk. When the need for FMLA leave is foreseeable, the employee must provide notice and submit the Request for Family and Medical Leave form at least thirty (30) calendar days in advance of the effective date of the leave. If 30 days' notice is not practicable (such as if the employee is uncertain as to when the leave will begin or in the case of a medical emergency), the employee must provide notice as soon as practicable. If the need for leave is not foreseeable or in the case of a qualifying exigency, the employee must give the City notice of the need for FMLA leave as soon as practicable under the particular circumstances.

An employee must provide notice sufficient for the City to determine that the leave is for an FMLA-qualifying event. In the case of unforeseeable leave, calling in "sick" without providing any additional information is not sufficient. When an employee seeks FMLA leave for a qualifying reason for which the City previously has granted FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. If the employee fails to provide the City Clerk the reason for leave, leave may be denied.

When the City has sufficient information to determine whether the leave is for an FMLA-qualifying event, the employee will be notified within 5 days whether the leave will be designated and counted as FMLA leave, absent extenuating circumstances. At that time, employees will be provided written notice of their rights and responsibilities and the consequences for failure to meet these obligations.

When scheduling planned medical treatment, the employee must consult with the City Clerk in advance to ensure that the City's operations are not unduly disrupted by the employee's absence(s).

Employees should understand that, for any absences, whether covered by the FMLA or not, it is imperative to follow the City's usual and customary internal notice and procedural requirements for requesting leave, as outlined in the City's Employee Handbook. If an employee fails to comply with the City's internal notice and procedural requirements and no unusual circumstances justify such failure, FMLA-protected leave may be delayed or denied.

Par. 5.503 Certification and Recertification of FMLA Leave - The City requires that an employee provide a complete and sufficient certification of a serious health condition of the employee or the employee's family member, of a qualifying exigency, or of the need to care for a covered service member with a serious injury or illness. Certification forms are available from the City Clerk. The employee must submit the completed certification form to the City Clerk within 15 calendar days unless it is not practicable to do so under the particular circumstances. Failure to provide such certification may result in the delay or denial of FMLA leave.

If the City Clerk has reason to doubt the validity of a medical certification, the City, at its own expense, may require a second medical opinion from a physician it chooses. If the first and second opinions differ, the City, at its own expense, may require the opinion of a third health care provider that is approved jointly by the City and the employee. The third opinion will be considered final and binding.

Where the employee's need for leave due to the serious health condition of the employee or the employee's covered family member lasts beyond a single leave year, the City requires the employee to provide a new medical certification in each year the employee subsequently takes leave.

Where leave is taken for the serious health condition of the employee or the employee's covered family member, the City may require recertification of the leave every six (6) months, or on a more frequent basis in certain circumstances.

Employees returning from an approved FMLA leave due to their own serious health condition will be required to present a fitness-for-duty certification from their health care provider indicating that they are medically able to resume work. This certification specifically must address the employee's ability to perform the essential functions of his or her job. The City may delay returning the employee to work until this certification is received. Failure to provide this certification may subject the employee to termination.

In the case of intermittent FMLA leave for an employee's own serious health condition, employees are required to present a fitness-for-duty certification every 30 days if the City determines that reasonable safety concerns exist regarding the employee's ability to perform his or her duties because of the employee's serious health condition.

Par. 5.504 Employee Responsibilities While on FMLA Leave - During an approved FMLA leave, employees are entitled to the same health insurance they had before the leave began. Employees who pay some or all of their health insurance premium will be

required to continue to pay the premiums in order to continue benefit coverage during the leave period. The employee is responsible for making arrangements to pay any premiums due during the leave period. Employees who do not return to work following FMLA leave will be liable for the payment of any health insurance premiums paid by the employer during unpaid FMLA leave, unless the failure to return to work was due to the continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the employee's control.

Employees will be required to periodically advise the City of their status and intent to return to work at the conclusion of the FMLA leave. Employees also must provide notice to the City at least two (2) business days prior to their return to work. If an employee unequivocally indicates his or her intent not to return to work after taking FMLA leave, the employee is subject to termination.

While on leave, the employee may not be eligible for bonuses or other payments based on attendance or job-related performance goals, in the City's discretion, where the employee has not met that goal due to FMLA leave.

Outside employment during your leave period without City approval is prohibited and may result in disciplinary action, up to and including termination of employment.

Par. 5.505 [Return from Leave](#) - Employees returning from FMLA leave will be restored to the same or an equivalent job. The FMLA does not entitle a restored employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

A request to substitute paid leave for unpaid FMLA leave or a request for any leave not covered by the FMLA may be subject to additional approval, certification, and reinstatement requirements. In addition, employees requesting to substitute paid leave for unpaid FMLA leave or requesting other approved leave will be required to complete all applicable forms.

Par. 5.506 [Complaint Procedure](#) - If you believe you have been denied any right under the FMLA, please utilize the City's Complaint Procedure.

Par. 5.600 [Court Leave](#) - An employee performing court duty as a subpoenaed witness or juror will be granted leave with pay.

Par. 5.700 [Non-FMLA Leave](#) - Employees who need time off from work for qualifying medical reasons, but who are not entitled to leave under the FMLA or other leave law (such as those who are not eligible or who already have exhausted their FMLA leave) may be granted Non-FMLA Medical Leave at the City's discretion.

Upon return from an approved Non-FMLA Medical Leave, the employee must provide a release from his or her health care provider authorizing him or her to return to work and listing any work restrictions. Upon receipt of the return-to-work authorization from the

health care provider, the City will review any work restrictions and determine whether the employee's position or another position for which the employee is qualified is available, including whether a reasonable accommodation is appropriate and available. If no such position is available, the employment relationship will be terminated.

This Policy will be applied in conjunction with the Americans with Disabilities Act, the Family and Medical Leave Act, the applicable state worker's compensation law, or other applicable local, state, or federal law.

Par. 5.800 Temporary Impairments – An employee with a physical or mental impairment which precludes him or her from working may request a leave of absence once the employee has exhausted all available FMLA leave and accrued PTO (and any sick leave under Par. 3.03). A request for leave of absence may be granted within the discretion of the City Manager or his/her designee, depending on the anticipated duration of the absence, the need to fill the position, and any other relevant and appropriate factors. A doctor's statement will be required to determine the length of leave necessary. Eligible male and female employees are entitled to unpaid maternity leave in accordance with the City's FMLA Policy.

Par. 5.900 Bereavement Leave - Time off with pay will be provided for up to three (3) days for the death of one of the following immediate family members: mother, father, brother, sister, mother-in-law, father-in-law, children, children-in-law, grandchildren, or spouse. Additional time off for death of an immediate family may be taken without pay or PTO may be taken.

SECTION VI- BENEFITS

Par. 6.100 Group Health Insurance - The City will provide insurance at a cost to be determined each budget year to regular employees and their families. Group health insurance is to be made available to covered regular employees after retirement or termination for a period of 18 months at the employee's cost. Group health insurance is to be made available to a covered employee who leaves because of disability for a period of 36 months at the employee's cost. Group health insurance is also to be made available to the covered dependents of a covered employee upon the death of the employee for a period of 36 months at their cost. Insurance will terminate at the option of the employer when the employee is covered by other group insurance. This Par. 6.100 shall not be construed as requiring the City to provide continuation coverage for employees and/or their dependents in excess of its obligations under federal COBRA.

- a. In accordance with the City's above-stated right to amend or modify this Group Health Insurance Policy, employees will pay pre-determined percentages for health insurance costs (i) for single coverage at the Basic level and (ii) for family coverage at the Basic level. If a Premium Plan is selected, the employee will pay the additional cost.

- b. The City will not offer health insurance coverage for spouses of employees who have access to duplicate health insurance through their own employers.

Par. 6.200 Life Insurance - Each regular employee will be provided life insurance. Life insurance will be available to employees at an amount and cost to be determined each budget year.

Employees will become insured on the effective date of the plan provided they:

1. Are actively employed on a regular, full-time, permanent basis at the employer's place of business, and.
2. They are actively at work on that date, enrolled in the plan, and have satisfied an applicable probationary period, and;
3. Have satisfied any required evidence of insurability.

Par. 6.201 Short-term Disability and Long-Term Disability – the City pays 100% of the cost of these coverages for full-time employees.

Par. 6.300 Education - The City will pay the cost of approved courses that will increase the employee's job skills. Prior approval for such course work must be approved by the City Council. Classes scheduled during working hours must have prior approval from the City Manager and the City Council. Employees desiring to further their education for their own personal development must adhere to the following:

- a. A salaried employee's compensation may be reduced as a condition to the granting of the privilege at the discretion of the City council.
- b. Time off during working hours must have prior approval from the City Manager and City Council.

Par. 6.400 Retirement - The City will provide a retirement plan to regular employees.

SECTION VII - MOTOR VEHICLES

Par. 7.100 Vehicle Use - All motor vehicles owned or leased by the City and driven by City employees shall be used only in connection with City business. When said vehicles are not in use in the City's business, vehicles shall be kept on City property unless temporarily located elsewhere for maintenance or repair.

- a. No employee may use a City vehicle for personal purposes, other than de minimis personal use; and no employee shall use a City vehicle for any personal errand.

Par. 7.101 Exceptions - An exception shall be made for the following City employees: City Manager, Public Work Director, Utility Line Distribution Supervisor, Wastewater Plant Supervisor, and Inspector.

- a. These employees will be provided a City-owned vehicle to be used in connection with City business; and for bona fide non-compensatory business reasons the City shall require said employees to commute to and from work in the vehicle and to be available as needed on a twenty-four hour per day basis.
- b. The employees mentioned shall not use a City vehicle for personal purposes other than commuting or de minimis personal use.
- c. The City shall account for the commuting use by including an appropriate amount in the employee's gross income.

Par. 7.102 Use of City Vehicles Outside City Limits - Anytime it is necessary for a City vehicle to leave the City limits of Dahlgonega, the employee must notify his supervisor and receive permission. The employee will advise the supervisor where he is going and the nature of his business. The employee will go to the approved destination, conduct his business, and return to the City by the closest and most direct route possible. It shall be the responsibility of the employee to contact his supervisor when he returns to the City and his normal duties.

The intent of this policy is to provide a mechanism for management to provide for the safe and effective use of its vehicles and equipment and to help insure the safety and productivity of its employees. Violation of this policy may result in discipline up to and including termination of employment.

Par. 7.103 Safe Operation – Operators of City vehicles are responsible for the safe operation and cleanliness of the vehicle. Accidents involving a City vehicle must be reported to your supervisor immediately. Employees are responsible for any moving violations and fines which may result when operating a City vehicle. The use of seat belts is mandatory for operators and passengers of City vehicles.

SECTION VIII - DISCIPLINE

Par. 8.100 Progressive Discipline - Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The City's government advocates progressive discipline when applicable. The action taken will depend on the degree and the circumstances of the violation. An employee who fails to adequately perform assigned duties or who violates established policies will be disciplined.

Par. 8.200 Causes of Action - The causes of disciplinary actions are:

- a. Chronic tardiness or absenteeism
- b. Negligence in performing assigned duties,

- c. Inefficiency in performing assigned duties,
- d. Inability or unfitness to perform assigned duties,
- e. Insubordination,
- f. Misconduct,
- g. Commission of a felony or a crime involving moral turpitude,
- h. Conduct reflecting discredit on the City or department,
- i. Failure to report to work without justifiable cause,
- j. Political activity that is prohibited by these policies,
- k. Failure to maintain a current Georgia driver's license required by law for the type of City vehicle driven by the employee. Note: The penalty may vary from reprimands up to termination of employment.
- l. Use of City-owned tools or equipment for personal use on private property.
- m. Failure by an employee to report a DUI charge within two working days.

The City will evaluate each issue on a case-by-case basis. This Policy is not intended to violate any state or federal laws or interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the NLRA.

Par. 8.300 Types of Actions - Disciplinary actions fall into two (2) general categories, reprimands, and adverse actions.

Par. 8.400 Reprimands - A reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality, the oral reprimand, and the written reprimand.

Par. 8.401 Oral Reprimand - In an oral reprimand, the manager or department head will verbally and privately explain to the employee that he or she is being reprimanded and describe the problem and what must be done to correct the problem.

Par. 8.402 Written Reprimand - In the written reprimand, the employee will receive a written statement describing the problem and what must be done to correct it. The reprimand will also contain a statement describing the probable consequences of not correcting the problem. The written statement will be given to the employee during a private interview.

Par. 8.500 Adverse Action - An adverse action is an action taken by the appointing authority or his designee, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, or dismissal.

Par. 8.501 Suspension Without Pay - An employee may be suspended without pay for a violation of accepted policies governing performance and conduct. The suspension without pay shall not exceed thirty (30) days.

Par. 8.502 Disciplinary Salary Reduction - An employee's salary may be reduced from one pay step to a lower step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade.

Par. 8.503 Dismissal - An employee may be dismissed for disciplinary reasons when all other alternatives have failed to solve the problem, or when it is necessary to remove the employee from the workplace immediately and/or permanently.

Par. 8.600 Notification and Response - Once it has been determined that an adverse action should be taken, the following notification and response procedure will be observed.

Par. 8.601 Notice of Proposed Adverse Action - The appointing authority or his designee will give the employee a written notification of the proposed adverse action. The notification will contain the following:

- a. The effective date of the action,
- b. The specific charges and reasons for the action,
- c. A statement outlining consequences.

Par. 8.700 Emergency Action - The appointing authority or his designee may take immediate action against an employee under emergency situations. The immediate action will be to suspend the employee with pay until an investigation can be conducted. Examples of emergency situations are when crimes of moral turpitude are committed, when an employee may be injurious to himself, fellow workers, or the general public, or when an employee may damage public property.

Par. 8.800 Review of Adverse Action - Each adverse action will be reviewed by the City Manager, Department Foreman, and the Chairman of the Personnel Committee.

SECTION IX- ALCOHOL AND CONTROLLED SUBSTANCES

Par. 9.100 Purpose – The City seeks a drug-free workplace to protect working people and the public and to increase productivity. The use of alcohol or controlled substances by City employees while on the job constitutes a direct threat to property and the safety of others. The safety of citizens and other employees depends upon the ability of employees to think clearly with unimpaired faculties.

Employees will be notified, and are to sign statements acknowledging such notification, that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances (defined in schedules I through V of Section 202

of the Controlled Substances Act, 21 U.S.C. 812, and further defined in Regulation 21 CFR 1308.11-1308.15) is prohibited in the workplace.

As a condition of employment, employees will: abide by terms of this statement, and notify the City Manager of any criminal drug statute conviction no later than five (5) days after such conviction.

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. In the case of applicants, a violation of the drug-free workplace policy may result in the offer of employment being withdrawn. The applicant will have the opportunity to provide further information concerning the test results and/or further explanation. The City will consider information provided and comply with all applicable federal and local rules. If an employee violates the policy, he or she may be terminated from employment. The procedures are further outlined below.

Par. 9.101 Objectives - It is the objective of the City to provide safe and effective public service. To meet this goal the problem of alcohol and controlled substance abuse must be identified, confronted, and defeated. The City will establish an Alcohol and Controlled Substance Testing Program.

Par. 9.200 Policies –

- a. The use or possession of alcohol or any controlled substance while on work time or work premises is prohibited.
- b. The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises is prohibited.
- c. Reporting to work, or working, while intoxicated or otherwise impaired by alcohol or controlled substance use is prohibited.
- d. Alcohol or controlled substance related off-duty conduct that tends to undermine the reputation, authority, or efficiency of the City is prohibited.
- e. All employees shall submit to alcohol and controlled substance testing:
 1. At a convenient time after hiring but before beginning work.
 2. At random intervals during the year while on duty.
 3. When, in the opinion of at least two supervisory personnel, there is a reasonable suspicion that any employee of the City has violated any provision of the Alcohol and Controlled Substance Policy. Refusal to submit to testing shall constitute insubordination and shall be a sufficient ground for termination.
 4. When an employee is involved in an accident which results in property damage or personal injury. If, due to injuries, the employee cannot submit to testing within the prescribed time, the employee will provide the City with necessary authorization required to obtain hospital reports and other documents that would indicate the presence or non-

presence of any drugs and/or alcohol in the employee's system at the time of the accident.

5. Legally prescribed medications/drugs may be taken during working hours. Employees should notify their supervisors if the use of prescribed medications/drugs might affect their performance. Abuse of prescription medications/drugs will not be tolerated.

Par. 9.300 Procedures -

- a. If the results of a test confirm the presence of alcohol or any controlled substance in the system of the employee, it will be assumed that the employee is impaired. This impairment will result in the immediate termination of the employee. The employee may through his own effort attempt to rebut the assumption of impairment through additional testing. If such tests produce negative results, the assumption of impairment may be considered rebutted, depending upon such factors as the timing of the test and other circumstances surrounding the impairment. The employee will be reinstated upon successful rebuttal.
- b. At all times during an investigation of violations of the Alcohol and Controlled Substances Policy, the confidentiality of the case will be protected.

SECTION X - SAFETY AND WELLNESS IN THE WORKPLACE

Par. 10.100 Philosophy - The City is extremely conscious of the Safety and Wellness of our employees and the citizens of our community. The City acknowledges that a valid safety and wellness program is an important function of our operational and administrative departmental employees.

The City acknowledges that a valid safety program is an important function of our operational and administrative systems. We also acknowledge that the function of a safety program pertains to all employees of our various departments.

The health and safety of all employees throughout the City is of primary importance and each department shall endeavor to maintain a safety conscious attitude throughout its operations.

In adherence to the policy, all employees are expected to accept the concept that the safe way to accomplish a task is the most efficient and the only way to perform it.

Safety performance is an important measurement of supervisory and employee performance and will be included in the evaluation of all employees.

Par. 10.200 Health Services and Education - Through a Wellness Grant, healthy living skills shall be taught as part of the regular instructional program and provide the opportunity for all employees to understand and practice concepts and skills related to health promotion and disease prevention.

- a. A representative from LGRMS and the City Wellness Coordinator conducts a Health Risk Assessment for all employees. Each employee is requested to fill out a health survey and will be presented later with a report that identified the risk areas for employees and suggestions for health and safety practices and improvements that could be made.
- b. Wellness Coordinator will conduct a lunch and learn on an annual basis. Employees will be served a healthy lunch to demonstrate how to eat healthy.
- c. A Wellness Fair will be conducted annually for all employees. Employees will receive various tests, including but not limited to, PSA, thyroid, cholesterol, and blood sugar. Also, weight assessment and other health related tests will be conducted.
- d. Flu shots will be available for all employees.
- e. LGRMS representative and the City Wellness Coordinator will conduct a 360 Health Program which delivers unprecedented value through a suite of programs, tools, and resources to discover all the services and benefits available.
- f. This program is not intended to violate any state or federal laws. Any employee that has questions or concerns about participating in such a program should notify the HR Department of such concerns. The City will handle each such inquiry or request on a case-by-case basis.

Par. 10.300 Healthy and Safe Environment - It is the policy of the City to create a healthy and safe environment for all employees in each department.

The City of Dahlonaga is conscious of the safety of our employees and the citizens of our community. As an employer, we aim to ensure the safest possible workplace for our employees.

It is our belief that most accidents are preventable. In accordance with this belief, we have allocated resources to administer an aggressive loss control program in our municipality. Each employee should assume responsibility for his/her own safety, as well as the safety of co-workers and the public.

Each Department Head is responsible and will be held accountable for the loss control performance within his or her department. Our safety coordinator (the City Clerk) has been appointed to coordinate our overall loss control program. Line functions are the responsibility of Department Heads and supervisors. It is expected that Department Heads will complement the effort of the safety

coordinator to reduce accidents and provide for the safety of the public. These loss control responsibilities are ongoing.

All employees are responsible for cooperating with and supporting our loss control program activities and objectives. All employees are expected to adopt the concept that the safe way to perform a task is the only acceptable way to perform the task.

Loss control is every employee's responsibility. Only with your help can we continue to maintain a safe environment for both our employees and the citizens we serve.

- a. City buildings and grounds, structures, vehicles, and equipment shall meet current health and safety standards, and be kept clean, safe and in good repair while considering budget limitations.
- b. Each department and work site shall be in compliance with Section IX -Alcohol and Controlled Substances of the City Personnel Policy.
- c. Safety procedures and appropriate training for management, supervisors and employees shall support personal safety and a violence and harassment free environment.
- d. For employee safety, every employee will wear appropriate attire and any protective clothing supplied in connection with his job during all times that he is subject to the risks for which it was provided.
- e. Each work site, shall create an environment where employees and citizens are respected, valued, and exemplify high expectations for personal behavior and accomplishments.
- f. In case of accident or injury employees will follow normal emergency procedures. As soon as reasonably possible, employees will report all accidents and injuries to the site administrator or designee.
- g. All non-office personnel shall be required to wear safety toed boots. Boots can be metal or composite toed but must comply with the seventy-five (75) foot-pounds standard. The boots must also be a minimum of six (6) inches in height. The City will reimburse employees up to \$150 per year to off-set the cost of this expense.

The health and safety of all employees throughout the City is of primary importance and each department shall endeavor to maintain a safety conscious attitude throughout its operations.

In adherence to the policy, all employees are expected to accept the concept that the safe way to accomplish a task is the most efficient and the only way to perform it.

Safety performance is an important measurement of supervisory and employee performance and will be included in the evaluation of all employees.

Par. 10.301 Uniform Requirements - It is essential during the performance of duty that the public be able to clearly identify employees as a representative of the City of Dahlonaga. Often our employees are required to issue verbal directives or enforce rules, regulations, or ordinances as set out by the council and it is imperative that we clearly identify as someone with the authority to enforce such regulations. It is the policy of the City of Dahlonaga that all personnel who are issued a City provided uniform or shirt identifying them as a City employee are required to wear that clothing item while on duty. Employees who are on call or are called back should wear their uniform, if possible. However, the City understands this may not be possible in all call back or on call circumstances given the emergency nature of some requests. Employees should not wear City issued uniform items when off duty.

Par. 10.302 Employee Experiencing a Health Crisis – When working with an employee who expresses that he or she might be having a health crisis, or an employee who exhibits physical distress the following steps should be followed:

- 1) If the employee is unconscious or appears unable to respond, call 911.
- 2) If the employee is conscious offer to call 911 or their emergency contact.
- 3) DO NOT physically restrain an employee from leaving.
- 4) DO NOT transport an employee in a City/department vehicle or in a personally owned vehicle.

Par. 10.303 Inspection/Monitoring - The City provides offices, desks, computers, and other City property to employees for their use while employed by the City. These items are the property of the City.

The City can make no assurances about the security or privacy of any office, desk, file cabinet, computer, or other City facility and discourages the storage of valuables, perishables, and other personal items in them.

Additionally, the City reserves the right to open and inspect any item of any kind on City property, including in an office, desk, computer and files, file cabinet, or City property and its contents, at any time with or without reason, notice or consent. All vehicles parked in secure parking areas that restrict the general public by way of a gate, security officer or station, or other similar means and all vehicles parked in temporary parking areas are subject to search at any time with or without reason.

Employees should understand that any conversations over the City's telephones and similar voice systems may be monitored or recorded for any reason as a part

of normal business operations. By using the City's telephones, employees expressly consent to such monitoring and recording for all lawful purposes and any use of the City's telephones and similar voice systems is done so with the knowledge and awareness of this Policy.

Similarly, employees should be aware that, in order to promote the safety of employees, patrons, visitors, occupants, as well as the security of its assets and properties, the City may conduct video surveillance of any portion of its premises at any time, the only exception being private areas of restrooms, showers, and dressing rooms, and that employment with the City constitutes an express awareness of and consent to such surveillance.

Par. 10.400 Safety and Wellness Committee - As part of our commitment to safety and wellness, the City established a Safety and Wellness Committee that meets quarterly.

- a. Members of this Committee consist of the Safety Coordinator, Wellness Coordinator, and representatives from each department. The Committee members are issued a Safety and Wellness Manual that contains training materials for the year.
- b. The Committee as a group will conduct a safety inspection of each facility and inform their Department Head/Supervisor of any concerns found during inspections and corrects any problems that might be found.
- c. The Committee members will conduct meetings in each department. The meetings will cover the materials supplied by the Georgia Municipal Association and information included in the Safety and Wellness Manuals.
- d. The Committee will have all employees sign an attendance sheet at each meeting.

Par. 10.500 Safety and Wellness Personal Protection Equipment - It is the policy of the City to provide personal protective equipment (PPE) to all employees as needed to ensure that they will be protected from injury in the performance of their duties to the maximum extent practicable.

- a. Each affected employee shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids, chemical gases or vapors, or potentially injurious light radiation. Each affected employee shall use eye protection that provides side protection when there is a hazard from flying objects.
- b. Shin guards, chaps, etc., are required on special jobs and when using special equipment such as chain saws and where poisonous snakes may be present.

- c. All employees must use appropriate hand protection when exposure to hazards such as skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes could occur.
- d. Gloves shall not be worn where there is a possibility of the glove being caught in power-driven machinery, drill presses, augers, etc.
- e. It will be the responsibility of all employees to properly employ personal protective devices, store and maintain the PPE that has been issued to him/her, and to report or return missing/defective PPE to his/her supervisor.
- f. Employees who are subject to impact noise must protect their hearing by use of earplugs. Each employee should keep his own protectors and never use those of his co-workers.

Par. 10.501 Safety and Wellness Road Safety Equipment - It is the policy of the City to warn or limit general public or vehicular access to a specific construction zone or work area.

- a. Strobe lights are to be placed on fleet vehicles in order for them to be more visible by other traffic. Strobe lights are to be used anytime vehicles are parked within right-of-way, escorting slow moving equipment, identifying hazards, etc....
- b. All construction zones must have traffic control such as cones, barrels, construction signs, sign stands, etc. that adheres to Chapter VI of the Manual on Uniform Traffic Control Devices (MUTCD).
- c. All employees must wear approved seat belts when driving or riding in a City vehicle or operating equipment outfitted with rollover protection.
- d. Employees are not to ride in the back of any truck. (Excludes sanitation workers on the back of rear-loading garbage trucks, only if employee is wearing safety harness.)
- e. It is permissible for up to three employees (including driver) to ride in the front seat of sedans, pick-ups and other trucks provided they are equipped with three seat belts.

Par. 10.600 Reporting Injuries - It is the goal of the City to accurately monitor and track all injuries and accidents.

- a. Immediately report injury to your supervisor.
- b. All injuries should be reported to the City Clerk as soon as possible. In no event shall this exceed one business day.
- c. Injuries that require the attention of physicians, but which are not acute emergencies, must be taken to a City worker compensation doctor.

- d. The nearest open facility, ambulance, or physician shall treat acute, severe emergency situations.
- e. After the employee is treated, the doctor will indicate whether or not further treatment or follow-up is needed. The doctor should complete a release form and the employee will return this form to his/her supervisor.

Par. 10.700 City Vehicle/Rolling Equipment Accidents - The following policy has been established for accidents involving City Vehicles/Rolling Equipment.

- a. Any driver of a City vehicle involved in an accident will notify the Lumpkin County Sheriff's Office or the proper agency to investigate the accident. The City Manager's office or the employees Department Head shall be immediately notified of the accident. This includes accidents in the City limits and outside the City limits.
- b. If damages or injury occur to non-City vehicle/property, the accident report will be handled as any other accident.
- c. The responding officer will send the accident report to the City Clerk, who will forward to the City Manager's Office.
- d. Alcohol/Drug test will be given to any employee involved in an accident while using a City Vehicle or Rolling Equipment.

Par. 10.800 Workplace Violence - The City is committed to providing its employees a safe environment for working and conducting business. In this regard, the City will not tolerate any threats, threatening behavior, acts of violence, or any related conduct which interferes with or disrupts the City's safe working environment. This prohibition applies to City employees, vendors, customers, and visitors, whether the conduct occurs on or off City property.

Par. 10.801 Prohibited Conduct - Threats, threatening behavior, acts of violence or related disruptive conduct includes conduct against persons or property that is sufficiently severe, offensive, or intimidating that it disturbs, interferes, or prevents normal work functions or activities. Specific examples of conduct that may be considered "threats, threatening behavior, acts of violence or related disruptive conduct" include, but are not limited to, the following:

- 1. Threatening to harm an individual or his/her family, friends, associates, or their property.
- 2. The intentional destruction or threat of destruction of property owned, operated, or controlled by the City.
- 3. Harassing or threatening individuals through any form of written or electronic communications.
- 4. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.

5. Harassing surveillance of another City employee and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
6. Unlawful possession of firearms, weapons, or any other dangerous devices on City property except as provided for by the Business Security and Employee Privacy Act.

Par. 10.802 Complaint Procedure - All employees are responsible for refraining from making threats, engaging in threatening behavior, acts of violence or related disruptive conduct and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. If you feel that you have experienced or witnessed conduct that is prohibited under this Policy, you are to follow the City's Complaint Procedure.

Par. 10.803 Weapons at the Workplace - Except as specifically exempted below, City of Dahlonga employees are prohibited from possessing firearms and weapons on City property. Furthermore, on duty City employees are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the City. This policy shall apply to all City employees, regardless of full-time or part-time status. This policy also applies to individuals that may be assisting the City in a volunteer status.

Exceptions:

- a) Authorized law enforcement personnel and hired security personnel while performing their official duties.
- b) Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a city parking facility.
- c) Employees may possess licensed weapons for personal protection while traveling out of town on business purposes when allowed by law.

These restrictions and prohibitions shall apply to all employees unless an exemption applies regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit. Prohibited weapons include, but are not limited to guns, long guns, firearms, knives, or swords with blades over four inches in length, explosives, or other such devices specifically designed and intended to cause harm to another person. An employee found to be harboring a firearm or other weapon or indicating to others he/she has a concealed deadly weapon or firearm on the job, should immediately be reported to a supervisor. Employees may be required to open their desks,

lockers, bags, etc. if a justifiable suspicion is brought forth that they may be harboring a firearm or deadly weapon.

Employees who violate this policy will be subject to disciplinary action up to and including employment termination.

Par. 10.804 Serving Customers with Weapons - While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons. When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining the presence of law enforcement personnel during such meetings, and/or other similar arrangements. The purpose of alternative arrangements is to minimize employee discomfort and potential for disruption while providing quality customer service.

Par. 10.900 Security – The City is committed to providing a secure workplace and ensuring the protection of corporate assets and proprietary information. Security is an integral part of your job responsibilities. Be sensitive to information you generate or have access to, protect corporate assets such as inventory, records, and office supplies, secure your work area when left unattended, and report security related issues to your manager. If contacted by the media regarding any aspects of your employment, duties, or other activities at the City, please advise the media to direct any inquiries to the City Manager. You should immediately contact your supervisor or department head to advise him/her of any media inquiry.

Par. 10.901 Key Control Policy - Certain City employees, board members, state and federal organizations and civic groups and contractors may be provided key(s) to access certain City buildings, equipment, vehicles, and/or property to assist them in the performance of their jobs. The keys and key control system belong to the City of Dahlonaga, acting by and through its duly elected council. Building and/or property access may only be used for City business purposes. Anyone violating this policy is subject to disciplinary action. Disciplinary action may include, but not be limited to, monetary fines, written reprimands, and/or termination.

Authority and Responsibility. The Key Controller is an individual responsible for managing the key control system. The Key Controller is authorized to initiate, through the City Manager and Finance Director, procedures needed to implement this policy. The Key Controller is responsible for maintaining all keys and core records, providing forms, and contacting the appropriate locksmith to request keys or lock changes. Individuals having custody of City of Dahlonaga keys are

authorized to use them for City business purposes only. They are responsible for reporting lost or stolen keys immediately to the Key Controller and for returning keys to the Key Controller when no longer needed. Keys should never be given or loaned to another person. Keys that have been issued to an individual are that individual's responsibility and improper use can result in disciplinary action(s). Improper use of keys severely compromises the integrity and security of the key control system. No key, including City vehicle keys, should be duplicated without prior authorization from the Director or Department Head and/or Key Controller. No key, including City vehicle keys, should be mailed, or shipped.

Key Requests. All requests for keys should be made in writing, via email, to the Key Controller from a Director, Department Head, Manager, Agency Head, or City Manager. The request should state the individual to be assigned the key, and the areas or specific keys the individual should be assigned. The key code should be provided if known. The Key Controller will verify if he/she has the keys in inventory, or locksmith may be contacted to have the keys cut. The Key Controller will notify the Director or Department Head making the request when keys are available for pickup. When the keys are available, the individual being assigned the keys must meet with the Key Controller. A sign-out/sign-in sheet will be completed when keys are issued, and the individual must sign for the key(s).

Lost or Stolen Keys. Notification of any lost or stolen key must be made immediately to the Director or Department Head and Key Controller via a lost key affidavit form. Individuals reporting a lost or stolen key will be asked to complete an incident report detailing the date and time and circumstances of the incident. The Incident Report should be given to the Key Controller, with a copy provided to the City Manager. After the report is reviewed, Administration will determine whether locks must be re-keyed for security reasons. Administration will also determine if individual is responsible for cost of replacement key(s), cores, and re-keying.

Returned Keys. All keys issued to an individual are the property of the City of Dahlonega and must be returned when keys are no longer needed. Any individual terminating employment with the City must return all assigned keys to the Key Controller. If the Key Controller is not available or circumstances do not allow, keys must be returned to Director or Department Head before leaving City property. It is the responsibility of the Department Head to ensure keys are collected or that the employee meets with the Key Controller to turn in keys. Keys are the property of the City and each individual will be held responsible for the keys issued to them.

SECTION XI – COMPUTER, EMAIL, INTERNET, PERSONAL DEVICES & SOCIAL MEDIA POLICIES

Par. 11.100 Purpose and Application - The City provides a variety of technology resources to its employees for purposes of its business operations and to help

employees perform their jobs. While these technology resources are often necessary and helpful tools, they also pose risks and must be used with common sense and good judgment. As such, the City has developed this policy to establish guidelines for the use of its technology resources. For purposes of this policy, the City uses the term “technology resources” to refer generally to all of its computing, network, and electronic resources, such as computers, software, networks, email systems, telephones and cellular phones, voicemail systems, fax machines, and Internet access.

Par. 11.101 Business Use Only - The use of the City’s technology resources is for City business and is to be used for authorized purposes only. These technology resources are established, maintained, and provided by the City for employees to use for the furtherance of the City’s business and not for personal use. However, the City acknowledges that some personal use of its technology resources is inevitable and may be necessary at times. Therefore, the City permits brief and occasional personal use of its technology resources, provided that such personal use is minimal, reasonable, adheres to the requirements in this policy, and does not interfere with the performance of one’s job duties. The City has sole discretion to determine what constitutes reasonable personal use and whether personal use is interfering with the performance of one’s job duties.

Par. 11.102 Personal Mobile Devices at Work - Employees may bring personal mobile devices to work, such as personal cell phones, smart phones, and tablets. However, these personal mobile devices may not be used to perform any City business or work-related activities and may not be used to access the City’s data or networks, unless authorized in advance and configured by the City’s IT Department. If authorization is given to use a personal mobile device for work purposes or to access the City’s data or networks, the employee must comply with this Technology Resources Policy when using the device. Employees also may not use the authorization to use a personal mobile device for work purposes or to access the City’s data or networks to work from home or otherwise work additional time not approved in advance by the City.

In addition, although employees are permitted to bring personal mobile devices to work, they are at all times expected to devote their entire time and attention to performing their job duties for the City without distraction by their personal mobile devices. Therefore, employees may not use personal mobile devices during work hours except for emergency reasons only. Employees may, however, use personal mobile devices during non-work hours, such as during an approved break or meal period, provided that such use is outside the view of any guests who may be the City’s offices and is not in violation of the City’s policies. In addition, employees must keep their personal mobile devices on “vibrate” or “silent” mode at all times while at work.

Par. 11.103 Ownership and Access to Technology Resources - All of the City’s technology resources, including all data and files stored on or transmitted using

the City's technology resources, are the property of the City. This means that the City owns all data and files stored on or transmitted using any of the City's technology resources, such as computers, network servers, or email servers. As such, the City retains the right to access, monitor, and inspect its technology resources, and any of the data and files stored and/or transmitted therein, at any time. This applies even with respect to data or information transmitted or received using any of the City's technology resources, such as its networks or Internet connection, even if such is done using an employee's personal device, such as a personal mobile phone, smartphone, or computer. This right applies both during an employee's employment with the City and after its termination for any reason, voluntary or involuntary.

Employees should not have an expectation of privacy in anything they create, store, send, or receive using the City's technology resources. In this regard, employees are specifically advised that passwords are designed to give employees access to all, or part of the City's technology resources; they are not designed to guarantee employee privacy or security in any data or file created, stored, sent, or received on any of the City's technology resources. Employees may not change passwords without prior express permission. Upon termination of employment, employees must return all passwords to the City.

Par. 11.104 Guidelines for Acceptable Use of Technology Resources - Employees are expected to access and use the City's technology resources in a professional manner and in compliance with this and all other City policies. Therefore, employees are prohibited from engaging in any unauthorized, prohibited, or inappropriate conduct using the City's technology resources including, but not limited to, the activities described below. This list is not intended to be an exhaustive description of all conduct that may be inappropriate or violate this policy, but is illustrative of the type of prohibited conduct for which employees may have their privileges of use and access to the City's technology resources revoked and be subjected to disciplinary action:

1. Accessing any technology resources, including networks, servers, drives, folders, or files, to which the employee has not been granted access or authorization or in a manner that exceeds such employee's access or authorization (this accessing any other person's computer, voicemail, files, or data without approval);
2. Making unauthorized copies of City files or other data;
3. Using any of the City's files or other data for an unauthorized purpose, even if the employee was otherwise authorized to access such files or data;
4. Revealing, publicizing, or otherwise disclosing any confidential information of the City without authorization;
5. Destroying, deleting, erasing, or concealing City files or other data, or otherwise making such files or data

- unavailable or inaccessible to the City or to other authorized users of the City's technology resources;
6. Violating any law, regulation, or order of the United States or any state, county, City, local government, or jurisdiction in any way;
 7. Violating the terms of any user agreement, license agreement, or other type of contractual agreement of any software program, application, website, or other product or service;
 8. Illegally downloading, copying, transmitting, viewing, or accessing any material protected under copyright law or make such material available to others;
 9. Engaging in any other unlawful or malicious activities;
 10. Intentionally propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's technology resources or those of any other individual or entity;
 11. Defeating or attempting to defeat security restrictions on any of the City's technology resources;
 12. Viewing or transmitting any material, or engaging in any conduct, that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, violative of the City's EEO Policy or other personnel policies, or that is otherwise unlawful or inappropriate. It is within the City's sole discretion to determine what constitutes inappropriate use or material under this policy. If you are unsure whether any use or material would be considered inappropriate, you should seek clarification from your manager before accessing or distributing such material. If you are in any doubt, do not access or distribute the material;
 13. Using abusive, profane, threatening, discriminatory, harassing, offensive, otherwise objectionable language in either public or private messages;
 14. Sending, receiving, downloading, uploading, or otherwise accessing or viewing any pornographic materials;
 15. Causing congestion, disruption, disablement, alteration, or impairment of the City's technology resources;
 16. Installing any software without authorization; and
 17. Using any of City technology resources for personal financial gain unrelated to one's employment with the City.

Par. 11.105 Other City Policies - All of the City's policies, including, but not limited to, its policies on Equal Employment Opportunity, social media, and non-solicitation, apply to the use of the City's technology resources. If any employee

feels that he or she has witnessed or been the subject of any conduct in violation of this policy, the employee should utilize the Complaint Procedure.

Par. 11.106 Compliance with NLRA – Employees should understand that nothing in this Policy, or any other City policy, should be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the National Labor Relations Act (“NLRA”). The City respects the Section 7 rights of employees and has and always will comply fully with its obligations under the NLRA and the City emphasizes that this Policy does not intend to cover conduct engaged in by employees that is protected by the NLRA.

Par. 11.107 Discipline - Employees will be subject to discipline, up to and including termination from employment, for violating this policy. Therefore, before using any of the City’s technology resources, employees should consider whether their actions meet the expectations set forth herein. In doing so, employees should be mindful that electronically stored information can often be saved or retrieved even after an employee believes he or she has taken steps to “delete” it.

Par. 11.200 Social Media Policy - in general, the City views social networking websites (e.g., MySpace, Facebook, Twitter), personal websites, and blogs positively and respects the right of employees to use them as a medium of self-expression. However, the use of these types of websites can impact both the City and employees alike. Therefore, the City has created this Policy to establish its expectations for employee use of these types of websites.

Par. 11.201 Applicability - This Policy is meant to apply to social networking sites, personal websites, blogs, photo sharing sites, video sharing sites, podcasts, as well as bulletin boards and comments posted on other websites. For ease of reference, this Policy refers to all of these types of websites generically as “social media websites.” The absence of an explicit reference to a specific website is not meant to limit the application of this Policy. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. You should consult with your manager or supervisor if you are uncertain about any of your activities on a social media website.

Par. 11.202 No Interference with Job Duties - The City’s Internet and computer resources are provided to employees to allow them to complete their job duties and should be used for business purposes only. As such, the City does not allow personal use of social media websites during work time.

Par. 11.203 Use Outside of Work - Employees may use social media websites during their personal time outside of work. Employees must be aware, however, that information they display on the Internet not only reflects on themselves but

could be associated with the City as well. Therefore, employees are expected to follow these guidelines when using any social media website:

- i. If an employee identifies himself as an employee of the City, the employee must place a disclaimer in his/her profile, post, or publication that clearly states that any and all opinions or views expressed are those of the employee and not the City.
- ii. Employees may not reference or display any information about any of the City's customers, business partners, or third parties inconsistent with the City's EEO Policy, or other provisions of this Policy.
- iii. Employees are expected to comply with the City's EEO Policy and other policies, as allowed by law, and refrain from making comments that are malicious, abusive, unlawful, slanderous or detrimental to the City, its employees, its customers, or third parties in violation of the City's EEO Policy, or other provisions of this Policy.
- iv. Confidential and proprietary information of the City is not to be discussed or referred to by employees on any social media website, even in private messages between site members who have authorized access to the information.
- v. Employees are responsible for reading, knowing, and complying with the Terms of Service of the social media websites they use.
- vi. Employees are expected at all times to comply with the law in regard to copyright, trademark, and plagiarism. Posting of someone else's work without permission is not allowed.
- vii. The City encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page or social networking site can be relayed and often misunderstood by the reader. Employees must use their best judgment and also comply with the City's policies.

Par. 11.204 Application of Other City Policies - All City policies apply with equal force to employee use of social media websites. In particular, employees are expected to follow the City's EEO Policy when participating in social media websites. The City considers behavior that is inappropriate in the workplace to be inappropriate on the Internet as well, including the City's EEO Policy concerning discrimination, harassment, and retaliation applies equally to the treatment of employees in the workplace or on the Internet.

Par. 11.205 Disciplinary Action - While the City respects the right of employees to use social media websites, it has established this Policy for the benefit and protection of the City and its employees. Any employee witnessing or who believes a violation of this Policy has occurred should utilize the City's Complaint Procedure. The City takes the expectations explained above very seriously. As

such, employees are advised that violating this Policy may result in disciplinary action, up to and including termination.

Par. 11.206 Compliance with NLRA - Employees should understand that nothing in this Policy, or any other City policy, should be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the NLRA. The City respects the Section 7 rights of employees and has and always will comply fully with its obligations under the NLRA and the City emphasizes that this Policy does not intend to cover conduct engaged in by employees that is protected by the NLRA.

Par. 11.300 Mobile Telephones and Portable Communication Devices - The City provides mobile telephones and other portable communications devices to some employees as a business tool. They are provided to assist employees in communicating with management and other employees, associates, and others with whom they may conduct business. Mobile telephone or portable communications device use is primarily intended for business-related purposes. However, occasional, brief personal use is permitted within a reasonable limit. Mobile telephone and portable communication device invoices may be regularly monitored by the City, and employees should not have any expectation of privacy in any information that may be contained in such invoices.

Employees may have access to a mobile telephone or portable communications device while in their vehicles and should remember that their primary responsibility is to drive safely and obey the rules of the road and the laws of the state in which they are driving. Employees are prohibited from using mobile telephones or other portable communications devices while driving and should safely pull off the road and come to a complete stop before dialing or talking on the telephone. No employee may engage in texting while driving. As a City employee, mobile telephone and portable communication device users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a mobile telephone or other portable communications device.

Par. 11.301 Cybersecurity – The City of Dahlonega recognizes the importance of establishing a culture within the organization that raises awareness of cybersecurity basics and sets a path toward risk reduction. The City will offer training to employees regarding the dangers of cyber threats and attacks. The City will take steps, including retaining appropriate third parties, to protect the integrity of the City's infrastructure and to make sure the City's data is properly secured and restorable.

Par. 12.100 Other City Policies – The City maintains other Department rules, policies, and procedures that may be helpful to City of Dahlonega employees and may be used by Department Heads or Directors. All such department operating rules and regulations and subsequent amendments, not in conflict with the

Personnel Management System Policies, should be followed by employees to the extent they are applicable to that employees' job duties. These policies and procedures have not all been included in this handbook since they may not apply to every employee (ie. Travel and Purchasing policies). Employees must work with their individual department managers and supervisors to learn of and follow applicable policies. To the extent there are any questions as to the controlling policy, the employee should consult with his or her supervisor or HR to clarify any questions.

DRAFT



DISCLAIMER AND ACKNOWLEDGMENT – PLEASE READ CAREFULLY

I have received a copy of the City's Personnel Management System Policies, and I accept responsibility for reading the City's Policies and becoming familiar with the contents. I understand that these Policies consist of general guidelines that may or may not be applied or followed in specific cases. This copy may not be the most current version. I acknowledge that a copy of the most current version of the City Policies are available from the **Human Resources Administrator**. The current version maintained by the City Clerk are the official City Policies.

Purpose

The information contained in these Policies are designed as an advisory guide to assist the City and our managers and department heads with the effective management of personnel and is not meant to address every conceivable situation or issue that arises in the workplace. The provisions and guidelines contained in these Policies are not binding on the City and may be changed, interpreted, modified, revoked, suspended, terminated, or added to by the City, in whole or in part, at any time, at the City's sole option, and without prior notice to employees. These Policies are not intended to cover every situation which may arise or to create specific policy to be applied in every instance. Instead, these Policies are intended only to provide general guidelines concerning personnel decisions. Of course, if any employee is subject to a collective bargaining agreement, that agreement supersedes any provisions of these Policies that are in conflict. Also, these policies and any practice or policy of the City will be applied consistent with all applicable laws and regulations.

Interpretation

Interpretation of the policies and procedures contained in these Policies are governed by, and is the responsibility of, the City Manager/City Council. Whenever clarification or assistance in interpretation is required, please contact the City Manager/City Council.

Employment-At-Will

Nothing contained in these Policies are intended to create, comprise, or define, nor should it be construed to constitute, any type of oral or written employment contract, promise, or guarantee, express or implied, between the City and any one or all of its employees. Nothing in these Policies is intended to provide any assurance of continued employment. In the absence of a specific agreement to the contrary, authorized in

writing by the City Manager of the City, employment with and compensation from the City are for no definite period of time and may be terminated by the City or the employee at any time, for any reason, with or without cause, and with or without notice as outlined in the policies. Any written or oral statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by prospective or existing employees.

I further understand that the City's policies and procedures, including those described in any publication, letter, poster, handout, or other communication, are subject to suspension, modification, or elimination at any time, without notice.

Signature

Date

Print Name

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE



Ordinances and Resolutions

DATE: February 14, 2022
TITLE: FY2021 Fourth Quarter Budget Amendment
PRESENTED BY: Allison Martin, Finance Director

AGENDA ITEM DESCRIPTION:

FY2021 Fourth Quarter Budget Amendment

HISTORY/PAST ACTION:

The FY2021 Budget was approved by Council on September 8, 2020, and previously amended for re-appropriations by Resolution 2021-05 on March 1, 2021, Resolution 2021-07 on June 7, 2021, and Resolution 2021-12 on September 7, 2021. City Council has made decisions during the fourth quarter of the fiscal year that requires adjustments to the budget. Also, a review of the financial activity indicates that budget adjustments are needed to more closely reflect expected results.

FINANCIAL IMPACT:

The financial changes are presented for each fund and described on Resolution Attachment A.

RECOMMENDATION:

It is recommended that Council approve the budget amendment as presented.

SUGGESTED MOTIONS:

I make a motion to approve Resolution 2022-02 FY2021 Fourth Quarter Budget Amendment

ATTACHMENTS:

Resolution 2022-02 FY2021 Fourth Quarter Budget Amendment, including Attachment A

RESOLUTION 2022-02
FISCAL YEAR 2021 FOURTH QUARTER BUDGET AMENDMENT

WHEREAS, the City Council approved a budget for fiscal year 2021 for the City of Dahlonega on September 8, 2020, and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, through review of the financial activity and financial decisions of City Council for the current fiscal year, there are budget adjustments needed to more closely reflect expected results.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Dahlonega, Georgia hereby adopts the adjustments to the Fiscal Year 2021 Budget as presented on “Attachment A” attached hereto and made a part of the Resolution.

ADOPTED this ___ day of March, 2022.

CITY OF DAHLONEGA, GEORGIA

By: _____
JoAnne Taylor, Mayor

Attest:

Mary Csukas, City Clerk



City Council Agenda Memo

DATE: February 14, 2022
TITLE: FY2022 Reappropriations Budget Amendment
PRESENTED BY: Allison Martin, Finance Director

AGENDA ITEM DESCRIPTION:

FY2022 Prior Year Reappropriations Budget Amendment

HISTORY/PAST ACTION:

The FY2022 original budget was approved by the Council on August 16, 2021. Several capital projects were budgeted in FY2021 but not completed at year-end.

FINANCIAL IMPACT:

Described on the resolution attachment A.

RECOMMENDATION:

It is recommended that Council approve the reappropriations budget amendment as presented to bring forward budget balances for capital projects in progress at the end of the fiscal year 2021.

SUGGESTED MOTIONS:

I make a motion to approve Resolution 2022-XX Budget Amendment – Fiscal year 2022 Prior Year Reappropriations.

ATTACHMENTS:

Resolution 2022-XX Budget Amendment – Fiscal Year 2022 Prior Year Reappropriations

Resolution 2022-XX Attachment A

RESOLUTION 2022-03
BUDGET AMENDMENT – FISCAL YEAR 2022
PRIOR YEAR REAPPROPRIATIONS

WHEREAS, the City Council approved a budget for fiscal year 2022 for the City of Dahlonega on August 16, 2021, and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, there were some projects/items budgeted in the previous fiscal year but not completed/received until the current fiscal year, and there is a need to re-appropriate the remaining budget amounts from FY2021.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of Dahlonega, Georgia hereby adopts the adjustments to the Fiscal Year 2022 Budget as presented on “Attachment A” attached hereto and made a part of the Resolution.

ADOPTED this ____ day of _____, 2022.

CITY OF DAHLONEGA, GEORGIA

By: _____
JoAnne Taylor, Mayor

Attest:

Mary Csukas, City Clerk



City Council Agenda Memo

DATE: 02/11/2022
TITLE: Memorandums Regarding Distilled Spirits Package Stores
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

The attached memos present key issues for Council consideration regarding the licensing of distilled spirits package stores. The following are some of the key points for discussion: Maximum number of licenses

- (1) Building size, inventory and square footage limitations
 - (2) Allowed zoning districts
 - (3) Proximity to vulnerable establishments such as schools, treatment centers, churches, etc. and proximity between licensed establishments
 - (4) Hours of operation
 - (5) Standard minimum requirements for the issuance of a license
 - (6) Application fees for all licenses
 - (7) Possible use of bidding options for licensee selection
-

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Memorandum Regarding Distilled Spirits Package Stores
Supplemental Memo Regarding City of Canton Procedures

Date: February 15, 2022

To: Mayor Taylor

From: J. Douglas Parks, P.C.

MEMORANDUM REGARDING DISTILLED SPIRITS PACKAGE STORES

Presented via this memo are the key issues for Council consideration regarding the licensing of distilled spirits package stores. In green are further suggestions made by our office after discussion with another city attorney. The suggestions in green are intended to make it easier for the first and second licensee to select properties for their businesses. The state restriction regarding distance between licensees can become a complicating factor with two licensees pursuing properties at the same time. The granting of the first two licenses is suggested to be done in sequential licensing periods rather than as a single event. In yellow are alternatives to the primary regulations that the council may or may not elect to utilize.

(1) Maximum number of licenses

The draft Dahlonge ordinance calls for a cap on the number of licensees as noted in the draft text below:

Maximum number of distilled spirits retail licenses permitted; other limitations.

- (1) Subject to subsection (2)-(5) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of two (2) during this first licensing period.
- (2) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below two, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to two.
- (3) The provisions of subsection (2) notwithstanding, one (1) additional license may be issued once the population of the city exceeds 13,500. In this regard, additional licenses may be issued in the future for each 3500 person increase in population over 13,500. In determining population, the city shall utilize the U.S. Census of 2020 or any future decennial census.
- (4) If the total number of permitted licenses has increased pursuant to subsection (3) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail

sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

- (5) The first licensing period shall be divided into two licensing cycles. One license shall be issued pursuant to each cycle. The City Council shall by resolution identify the dates of the first and second licensing cycles. During each cycle if the city receives more conforming applications than allotted licenses to be issued under these regulations which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in these regulations, then the selection of the successful application for that cycle shall be conducted by a lottery system overseen by an independent third party firm. Applications shall be drawn by lottery until all applications are ranked by the number in which they were drawn. The applications drawn from the lottery system shall then be presented to the city council for action on the approval of the license to be issued for that cycle. Applications ranked beneath the first drawn shall be held in reserve and notified in their ranking order should a default occur in the ability of the application first drawn to meet the requirements of these regulations.
- (6) Applications for the initial issuance of licensees will not be accepted until the effective date of this ordinance. The effective date of the ordinance shall coincide with the commencement date of the first cycle identified by council resolution. Acceptance of applications for the initial licenses, or any future allocation of licenses, will remain open for a period of sixty (60) days before review and consideration of such applications in accordance with subsection (5) above.
- (7) No person shall be or have a beneficial interest in the holder of more than one distilled spirits package store license within the city regardless of the degree of such interest.
 - a. For purposes of these regulations, a person shall be or be deemed to have a beneficial interest in the holder of a distilled spirits package store license when he or she has any ownership interest, whether legal, equitable or other, in or control over the holder of a distilled spirits package store license.
- (8) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued. And no application may be transferred or assigned.
- (9) Under the de minimis concept, a person who owns less than five percent of the shares of a corporation which has more than 35 shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone be deemed to have a beneficial interest in a license held by a corporation.
- (10) No person shall have, own or enjoy any ownership interest in, share in the profits from, or otherwise participate in the business of a distilled spirits package store license unless a full description of such interest shall be furnished to the city at the time of making application for the license. It shall be the continuing duty of a distilled spirits package store licensee to report to the city clerk in writing within ten days any change in any

interest in such licensee's business. Failure to report such change in interest shall be ground for suspension or revocation of the license.

- (11) Additionally, no officer, employee or elected official employed by the City or serving as an elected official during the time the referendum regarding distilled spirits package stores was presented to the voters of the City shall be eligible to hold or have a beneficial interest in the holder of a distilled spirits package store license.

Comment: A similar section as to the population threshold in Carrollton uses 5000 person increments for authorization of new licensees. In Macon the number is one license per 2800 persons. The Dahlonge draft ordinance recommends one additional license per each 3500 person increase in population.

(2) Building size, inventory and square footage limitations

The draft Dahlonge ordinance calls for the following:

No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom with a minimum of 2500 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and/or wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this ordinance, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$500,000.00 in distilled spirits available for sale. Retail distilled spirits dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum of \$35,000.00 inventory in malt beverages and wine.

Optional language:

No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom and storage area with a minimum of 2000 square feet. The allocation between showroom and storage area square feet shall be in the discretion of the licensee. For distilled spirits retail dealers desiring to sell malt beverages and/or wine no additional square footage or storage area shall be required. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$250,000.00 in distilled spirits available for sale. Retail distilled spirits dealers selling malt beverages and wine may do so without additional minimum inventory requirements.

Comment: A similar section in Carrollton requires 5000 square feet and additional storage area of 500 square feet. Also, inventory requirements are \$300,000.00 in distilled spirits available for sale and \$15,000.00 inventory in malt beverages. Similarly, In Newnan they require 5000 square feet and

additional storage area of 500 square feet. Also, inventory requirements are \$750,000.00 in distilled spirits available for sale and \$35,000.00 inventory in malt beverages. The Dahlongega draft ordinance requires 2500 square feet and an additional storage area of at least 500 square feet. Also, Inventory requirements in the Dahlongega draft ordinance are \$500,000 in distilled spirits available for sale and \$35,000 for malt beverages and wine.

(3) Allowed zoning districts

The draft Dahlongega ordinance calls for the following:

No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city council, located under the zoning ordinance of the city in a B1 or B2 zoning district subject to specific limitations of the respective districts.

Comment: Savannah utilizes density overlay districts. The overlay districts are somewhat specific and create certain areas within the city where package stores would not be allowed. Newnan simply limits distilled spirits package stores to specific business districts as is the case with the Dahlongega recommended language. Dahlongega's limitations to the B1 & B2 districts are designed to encourage distilled spirits package stores in business districts in which parking for a large retail use can be more easily accommodated.

(4) Proximity to vulnerable establishments such as schools, treatment centers, churches, etc. and Proximity between licensed establishments

The draft Dahlongega ordinance calls for the minimum statutory distances:

No premises shall be licensed for the sale of distilled spirits by the package:

- (i) which is located within 1500 feet of any other business licensed to sell distilled spirits by the package.
- (ii) which is located within 300 feet of any church building, alcoholic treatment center as defined by OCGA 3-3-21(a)(1)(c), or a housing authority property as defined in OCGA 3-3-2(e)(1) and (2).
- (iii) which is located within 600 feet of any school building, educational building, school grounds, or college campus.
- (iv) which is located within 300 feet of a detached single family dwelling unit located within one of the City's residential zoning districts;
- (v) All measurements shall be measured by the most direct route of travel on the ground, from front door to front door.

Comment: A similar section in Peachtree Corners requires a distilled spirit package store to be 300 feet from any church, 300 feet from parks, 600 feet from schools and **3000** feet from any other business licensed to sell distilled spirits by the package. Similarly, in Newnan they require a distilled spirit package store to be 300 feet from any church, 600 feet from schools, 300 feet from any residential zoned single-family dwelling unit and **1500 feet** from any other business licensed to sell

distilled spirits by the package. Additionally, Athens requires only the statutory minimum of **1500 feet** from any other business licensed to sell distilled spirits by the package. Gainesville requires a distilled spirit package store to be 200 yards from any school, 100 yards from any church or 100 yards from alcohol treatment facility. Additionally, Gainesville requires only the statutory minimum of 1500 feet from any other business licensed to sell distilled spirits by the package. The Dahlonge draft ordinance under the required statute maintains 1500 feet from any other business licensed to sell distilled spirits by the package, 300 feet from any church building, alcoholic treatment center or housing authority property, 600 feet from any school building, educational building, schools grounds or college campus and 300 feet from any detached single family dwelling unit located within the City's residential zoning districts.

(5) Hours of operation

The draft Dahlonge ordinance calls for the following:

Class L, retail distilled spirits package sale licenses -- it shall be unlawful for any distilled spirits package dealer in the city to sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday morning through Saturday night or optionally add "and between the hours of 12:30 p.m. and 11:30 p.m. on Sundays."

Comment: In Gainesville the hours of sale of distilled spirits at retail and not for consumption on premises are from 8:00 a.m. to 11:45 p.m. on Monday through Saturday and from 12:30 p.m. to 11:30 p.m. on Sunday. In Dawson County the sale of distilled spirits by the package shall occur only between the hours of: 9:00 a.m.—11:45 p.m. Monday—Saturday; and 12:30 p.m.—11:30 p.m. Sunday. Newnan is the same but without Sunday sales.

(6) Standard Minimum requirements for the issuance of a license

The draft Dahlonge ordinance calls for the following which is cumulative of the preceding requirements plus some other ancillary requirements falling outside the categories referenced in the prior 5 headings:

License issuance for distilled spirits package sales – Retail dealer building and inventory requirements

- (1) General regulatory and licensing procedures of distilled spirits package sales shall conform to Article I, Article II, and Article V of Chapter 3 Alcoholic Beverages of the City's Code of Ordinances.
- (2) All holders of licenses hereunder must open for business within eight months after issuance of said license; failure to do so shall serve as an automatic forfeiture and cancellation of such license unless an extension of the time is granted by the City Manager before the expiration of the eight-month period for good cause shown. No refund of the license fee shall be made in the event of such forfeiture.

- (3) All premises licensed for the sale of alcoholic beverages shall provide to the City of Dahlonga Chief of Police and to the Sheriff of Lumpkin County contact information in the form of a telephone number at which the licensee may be contacted by law enforcement during the times at which the establishment is closed.
- (4) Each package dealer of alcoholic beverages shall conspicuously display within the interior of the licensed premises not less than **one** copy of a printed price list of the alcoholic beverages offered for sale or, in lieu thereof, shall place the price of each item on the container or on the shelf where the container is exhibited for sale.
- (5) No licensee for the package sale of alcoholic beverages shall be permitted to utilize a lighted portable sign outside the building.
- (6) No package dealer in alcoholic beverages shall permit any slot machines, juke boxes, pinball machines, video games, or coin-operated machines operated for amusement purposes on its premises.
- (7) Distilled spirits shall be sold at retail only in stores which are duly licensed by the state to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container. A retail package licensee shall not permit the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.
- (8) No retail dealer for the sale of distilled spirits shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits, and food for off-premises consumption. Food shall not be consumed on premises. Services are also prohibited including but not limited to services such as money order sales and check cashing. Sales of lottery games or tickets, cigarettes, cigars, chewing tobacco, alternative nicotine products, vapor products, snuff, cigarette papers and lighters and matches shall be prohibited. No amusement machines, electronic game machines or gaming devices of any kind for customer use may be present on the premises.

Optional language:

No retail dealer for the sale of distilled spirits shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits, and food for off-premises consumption including various food items incidental to mixed drink preparation. Food shall not be consumed on premises. Services are also prohibited including but not limited to services such as money order sales and check cashing. Sales of lottery games or tickets and tobacco products are allowed; however, alternative

nicotine products, vapor products, snuff and cigarette papers are prohibited. Lighters and match sales are allowed. No amusement machines, electronic game machines or gaming devices of any kind for customer use may be present on the premises.

- (9) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city council, located under the zoning ordinance of the city in a B1 or B2 zoning district subject to specific limitations of the respective districts.
- (10) No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom with a minimum of 2500 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and/or wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this ordinance, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$500,000.00 in distilled spirits available for sale. Retail distilled spirits dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum of \$35,000.00 inventory in malt beverages and wine. Monthly reporting of inventory shall be required by the City of Dahlonga with the licensee providing monthly inventory reports on forms provided by the City. Failure to file the proper forms and to maintain the required inventories may result in a suspension or revocation of the license after hearing before the administrative hearing officer pursuant to Section 4-31.
- (11) No premises shall be licensed for the sale of distilled spirits by the package:
- (vi) which is located within 1500 feet of any other business licensed to sell distilled spirits by the package.
 - (vii) which is located within 300 feet of any church building, alcoholic treatment center as defined by OCGA 3-3-21(a)(1)(c), or a housing authority property as defined in OCGA 3-3-2(e)(1) and (2).
 - (viii) which is located within 600 feet of any school building, educational building, school grounds, or college campus.
 - (ix) which is located within 300 feet of a detached single family dwelling unit located within one of the City's residential zoning districts;

- (x) All measurements shall be measured by the most direct route of travel on the ground, from front door to front door.
- (12) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the city.
- (13) It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of distilled spirits by the package.
- (14) It shall be unlawful for any person to sell or offer for sale distilled spirits by the package within the city by means of drive-through sale. For purposes of the section, the term "drive-through sale" means the sale of distilled spirits by the package by any means that allows the customers to remain in their motor vehicles.
- (15) Each application for a package distilled spirits license shall be accompanied by a non-refundable application fee in the amount of \$500.00.
- (16) The license fee for a retail sales of distilled spirits package license shall be \$5000.00 annually. To add a retail sales of package malt beverage license the fee shall be an additional \$1200.00 annually; and to add a retail sales of package wine license the fee shall be an additional \$1200.00 annually.
- (17) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (18) It shall be a requirement that before any license for package distilled spirits is granted that the City be furnished with an affidavit of each person whose name appears on an application for a license swearing that said person has not within 5 years prior to the date of application been convicted or nor entered a plea of nolo contendere to any felony, misdemeanor, or charge related to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs including the offense of driving a motor vehicle under the influence of alcohol or drugs, has not entered a guilty plea, or been convicted of a felony or a misdemeanor or a crime opposed to decency and morality. (Does not include the registered agent for service of a corporation, or LLC unless such person is a covered stockholder, member, partner, limited partner, licensee or license representative).

(7) Application fees for all licenses:

Retail Package: (Total: Beer (Class B: \$1,200.00) – Wine (Class C: \$1,200.00) - Distilled Spirits (Class L: \$5,000.00) = \$7,400.00)

Table 4-20 License Base Fees		
Class B	Retail beer package	\$1,200.00 for stores up to 10,000 sq. feet; \$1,800.00 for stores over 10,000 sq. feet
Class C	Retail wine package	\$1,200.00 for stores up to 10,000 sq. feet; \$1,800.00 for stores over 10,000 sq. feet
Class D	Retail liquor by the drink	\$2,400.00
Class E	Retail beer by the drink	\$1,200.00
Class F	Retail wine by the drink	\$1,200.00
Class H	Wholesale beer	\$1,000.00
Class I	Wholesale wine	\$1,000.00
	Wholesale License issued by any entity with a valid Manufacture's License	\$500.00
Class J	Licensed alcoholic beverage caterer	
	Resident caterer—beer/wine/liquor	\$75.00
	Resident caterer—beer/wine	\$50.00
	Resident caterer—liquor	\$50.00
	Nonresident caterer—beer/wine/liquor	\$75.00
	Nonresident caterer—beer/wine	\$50.00
	Nonresident caterer—liquor	\$50.00
Class K	Brewer, manufacturer of malt beverages or wine	\$1,000.00
Class L	Retail distilled spirits package	\$5,000.00

APPENDIX:

This Appendix provides as reference certain representative sections of ordinances from other cities dealing with the subject matters listed below:

Maximum number of licenses	Page 11-14 & 22
Building size, inventory and square footage limitations	Page 11, 15-16, 19 & 23
Allowed zoning districts	Page 22 & 23
Proximity to vulnerable establishments such as schools, treatment centers, churches, etc. and Proximity between licensed establishments	Page 15, 16, 17-178 & 23
Hours of operation	Page 25

Brookhaven: enhanced distance requirements between liquor stores

Sec. 4-604. - Location of retail liquor package stores.

No new retail establishment selling distilled spirits by the package shall be located within 1,000 yards of an existing retail establishment selling distilled spirits by the package. This prohibition shall not apply to a hotel or a motel with a restaurant holding a consumption on the premises license which sells package distilled spirits, malt beverages, or wine to its guests as part of roomservice.

Carrollton: minimum size/ inventory req, limit on number of licenses, freestanding

- **Sec. 6-38. - License issuance--Retail dealer building and inventory requirements.**

No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted (a) is not "free standing" (i.e., is part of a larger building or structure) and (b) does not include a showroom with a minimum of 5,000 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$300,000.00 in distilled spirits available for sale. Retail dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum \$15,000.00 inventory in malt beverages and wine.

(Amd. of 12-6-04)

- **Sec. 6-39. - Maximum number of distilled spirits retail licenses Permitted Subject to subsections (b)-(e) below, the city will not accept any additional applications for the retail sale of distilled spirits by the package, and no additional licenses for the retail sale of distilled spirits by the package shall be issued.**

(a) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below three, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to three.

(b) The provisions of subsection (b) notwithstanding, additional licenses may be issued once the population of the city exceeds 25,000. In this regard, one additional license shall be issued for each 5,000-person increase in population over 25,000. In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2000 or any future

decennial census.

(c) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

(d) The provisions of subsections (a)-(d) above and the provisions of section 6-32 notwithstanding, any person who (1) Has been issued a license for the retail sale of distilled spirits by the package; or (2) Has submitted an application for a license for the retail sale of distilled spirits by the package (and who is subsequently issued such a license) as of March 1, 2006 may transfer such a license in conjunction with the sale of the license holder's business, provided that the transferee meets all of the requirements for new license applicants as set forth in this chapter.

Milton: standard

Sec. 4-99. - Package sales of distilled spirits.

(a) No liquor by the package shall be sold at retail except in:

(1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package; or

(2) Retail establishments in which space has been set aside devoted exclusively to the retail sale of liquor by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located.

(b) Nothing in this section shall prohibit the retail sale within these establishments of beer, wine, alcohol consumables, liquid commodities and/or mixes normally used in the preparation and serving of liquor.

(c) Off-premises distilled spirits retailers shall indicate plainly, by tag or labels on the bottles or containers or on the shelf immediately below where the bottles or containers are placed, the prices of all liquor exposed or offered for sale. The retailer shall not display prices or brand names in such a way as to be visible from the outside of the establishment.

Brunswick: standard

Sec. 3-9. - Retail package sale of distilled spirits for consumption off-premises.

(a) Except as provided in subsection (b), distilled spirits shall be sold at retail only in stores which are duly licensed by the state to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container. A retail package

licensee shall not permit the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.

(b) Distilled spirits may be sold at locations licensed as distilleries in compliance with this chapter and in accordance with O.C.G.A. § 3-5-24.2, as amended from time to time.

Perry: standard, limits on merchandise available for sale

Sec. 3-27. - Class B-Retail liquor.

In addition to the regulations previously provided in article II of this chapter, class B licensees shall comply with the following regulations:

(a) No beverages of any kind may be opened or consumed in the place of business of a class B licensee.

(b) No class B licensee shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits, and food for off-premises consumption.

(c) No sales of distilled spirits shall be made to minors or intoxicated persons.

(d) All premises used for the sale of distilled spirits shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Augusta: enhanced distance requirement between liquor stores

Sec. 6-2-76. Distance between locations of licensees.

(a) No retail dealer license (Class F) for the sale of distilled spirits shall be issued to any applicant whose proposed location is one and one-half (1 1/2) miles or less from an existing location or establishment for which the Richmond County Board of Commissioners, the City Council of Augusta or the Augusta-Richmond County Commission has issued a retail dealer license for the sale of distilled spirits.

(b) The distances provided for herein shall be measured in the same manner as provided in section 6-2-63(d) of this Ordinance.

(c) The distance requirements provided for herein shall not be construed or interpreted as prohibiting an applicant, who is otherwise qualified, from being approved and granted a license which constitutes a transfer in ownership of an existing license for distilled spirits which was previously held by an owner or operator of an existing establishment.

Macon: limit on number of licenses

Sec. 4-91. - Limitation on number of licenses.

(a) The number of licenses for retail package sales of distilled spirits which may be issued

pursuant to the provisions of this Chapter and which may be in operation within the limits of Macon-Bibb County therein at any one time shall be based on and shall be limited to one license for each 2,800, or major fraction thereof, of population in such area according to the latest United States Decennial Digest.

(b) The maximum number of retail distilled spirits licenses which may be issued and which may be in operation in Macon-Bibb County as is now provided shall in the future be issued or approved for transfer in location in such a manner that the number of licenses in each of the nine (9) commission districts of Macon-Bibb County shall be based on one (1) licensee for each two thousand eight hundred (2,800), or major fraction thereof, of population in each commission district, according to the latest United States decennial census except as provided in subsection (c). In order to equitably administer this provision no new license shall be issued or existing license approved for transfer if located across a commission district line in the future which causes the total number of licenses in any one (1) commission to exceed a ratio of one (1) license for each two thousand eight hundred (2,800), or major fraction thereof, of population in each district according to the latest census. However, in no event shall the total number of licenses issued in Macon-Bibb County exceed the maximum number provided for in subsection (a).

(c) Valid licenses for retail package sales of distilled spirits active immediately preceding the commencement of the government of Macon-Bibb County issued by either Bibb County or the City of Macon may be renewed in accordance with this Chapter and subsequently thereafter, assuming all other applicable legal conditions are met, notwithstanding the limits of subsection(b).

(d) New complete applications for licenses for retail package sales of distilled spirits shall be given priority in the order in which they are received. In the event that there are multiple new simultaneously submitted valid applications for retail package sales of distilled spirits within a particular commission district such that if all were granted the total number of licensed establishments would exceed the limits imposed by subsection (b), priority shall be granted first to renewing valid actively licensed establishments and then to new applicants in priority based on descending order beginning with the application whose proposed premises is the greater distance from the nearest other existing establishment within the same commission district. Nothing in this subsection shall be construed to allow new applications to be granted in such a way as to exceed the limits of subsection (b).

(e) It is the policy of the Commission of Macon-Bibb County that licensed establishments for the retail package sale of distilled spirits be regulated in such a way as to avoid their over-accumulation within any one commission district and within Macon-Bibb County as a whole.

(f) The limitations imposed by this Section shall be in addition to the distance limitations imposed by Section 4-36.

Athens: distance required

Section 6-3-5

No new retail package liquor licensed place of business engaged in the retail package sales of distilled spirits shall be located within 500 yards of any other business licensed to sell package liquor at retail, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel licensed under this chapter. This restriction shall not apply at any location for which a license has been issued prior to July 1, 1997, or to the renewal of such license. Nor shall the restriction of this subsection apply to any location for which a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

East Point: distance and store size req

Sec. 11-1066. - Distance and area requirements.

(a) No person shall be licensed by the city under this chapter for the retail sale of malt beverages, wine or distilled spirits where the parcel upon which the proposed place of business is located is within a distance of two thousand six hundred forty (2,640) feet of any parcel upon which is already located a business that is licensed by the city for the retail sale of malt beverages, wine or distilled spirits. This requirement does not apply to the following:

- (1) Any hotel licensed for the sale of alcoholic beverages;
- (2) A retail business which contains an interior space of fourteen thousand (14,000) square feet or more and derives or anticipates deriving less than twenty (20) percent of its annual gross receipts from the sale of malt beverages and wine;
- (3) A retail business that is located on a public street or road that intersects with an interstate highway and lies within one-quarter (.25) mile of the interstate intersection as measured from the property line of the tract on which the business is located to the beginning of the entrance ramp or beginning of dedicated turn lanes into an entrance ramp, to the interstate highway, provided that all other applicable distance requirements under state law and this chapter are met.

Peachtree Corners: distance and store size requirements, enhanced restrictions on proximity and other products available for purchase, freestanding restrictions

Sec. 6-340. - Liquor store limitations.

- (a) Liquor stores must be located at least 300 feet from churches and 600 feet from schools. This distance shall be measured from the front door of the liquor store to the front door of the church or front door of the nearest school building as measured along pedestrian walkways.
- (b) Liquor stores must be located at least 300 feet from parks. This distance shall be measured from the front door of the liquor store to the nearest portion of the park property.
- (c) Except in designated entertainment districts, liquor stores must operate as sole tenants in

freestanding buildings of at least 5,000 square feet in size and no greater than 10,000 square feet in size. Within designated entertainment districts, liquor stores may occupy leased space within a shopping center provided that the liquor store is at least 15,000 square feet in size.

(d) Liquor stores must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of frontage on a state highway or major street.

(e) A liquor store shall not be located closer than 3,000 feet to another liquor store, regardless of jurisdiction.

(t) Liquor store buildings shall comply with overlay design regulations.

(g) Liquor store deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.

(h) Liquor store properties shall have no outdoor storage including the storage of shopping carts.

(i) Liquor stores shall not sell lottery tickets, magazines, or tobacco products (except quality cigars.)

Additional jurisdictions with no specific provisions outside state law and zoning restrictions (i.e. standard): Savannah, Pooler, Dublin, Valdosta, Albany, Warner Robins, Johns Creek

Millidgeville, Americus, Columbus, Rome. Majority of surveyed jurisdictions defer to state law without substantial local enhancement.

State Regulations and Laws set standards regarding distance requirements between stores and between stores and vulnerable establishments, hours of operation, and types of merchandise available for sale.

O.C.G.A. 3-3-21 (2010)

3-3-21. Sales of alcoholic beverages near churches, school buildings, or other sites

(a) (1) No person knowingly and intentionally may sell or offer to sell:

(A) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application;

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690

(b) Nothing contained in this Code section shall prohibit the licensing of the sale or distribution of alcoholic beverages by:

(1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;

(2) Bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of this title; and

(3) Licensees for the retail sale of alcoholic beverages for consumption on the premises only who shall be subject to regulation as to distances from churches, schools, and colleges by counties and municipalities.

(1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;

(2) Bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of this title;

(3) Licensees for the retail sale of alcoholic beverages for consumption on the premises only who shall be subject to regulation as to distances from churches, schools, and college campuses by counties and municipalities;

(4) Licensees for retail sale packages of alcoholic beverages for consumption off the premises who shall be subject to regulation as to distances from college campuses by counties and municipalities; provided, however, that such distances may be less restrictive than those provided in this Code section but shall not be more restrictive; and provided, further, that if such licensees are not regulated as to distances from college campuses by a county or municipality, then the distances set forth in this Code section shall govern such licensees; and

(5) Licensees for retail sale packages of wine and malt beverages for consumption off the premises who shall be subject to regulation as to distances from school grounds by counties

and municipalities; provided, however, that if such licensees are not regulated as to distances from school grounds, then the distances set forth in this Code section shall govern such licensees.

For purposes of this subsection, the term "college campus" shall include, but shall not be limited to, all buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

(c) For purposes of this Code section, distances shall be measured by the most direct route of travel on the ground.

(d) (1) In counties having a population of not less than 175,000 nor more than 195,000, according to the United States decennial census of 1970 or any future such census, the distances provided in subparagraph (a)(1)(A) of this Code section for separation of businesses licensed under this title from churches and schools shall be measured as follows:

(A) From the property line of the tract on which is located the business regulated under this title;

(B) To the property line of the tract on which is located the church, school ground, or college campus; and

(C) Along a straight line which describes the shortest distance between the two property lines.

(2) No license in effect on April 13, 1979, shall be revoked before its date of expiration by reason of the method of measurement set out in this subsection if the license was granted in reliance on another method of measurement. No application for a license or for a renewal shall be denied by reason of the method of measurement set out in this subsection if the application is for premises for which a license was granted prior to April 13, 1979, in reliance on another method of measurement.

(e) (1) As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

(2) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

OCGA B 3-4-47 mandates 500 yard minimum distance between liquor stores

Rule 560-2-3-.02. Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation

- (1) No Retailer of Distilled Spirits shall open its Place of Business or furnish, sell, or offer for sale, any Alcoholic Beverage at any of the following times:
 - (a) In violation of a county or municipal ordinance or regulation;
 - (b) In violation of a special order of the Commissioner;
 - (c) **Prior to 8:00 a.m. or after 11:45 p.m.;** or
 - (d) Sundays prior to 12:30 p.m. or after 11:30 p.m.
- (2) No Retailer of Distilled Spirits shall be in or permit others to be in its Place of Business at any of the following times:
 - (a) In violation of a county or municipal ordinance or regulation;
 - (b) In violation of a special order of the Commissioner;
 - (c) Prior to 6:00 a.m. or 30 minutes past the closing time of 11:45 p.m.; or
 - (d) On Sundays prior to 10:30 a.m. or 30 minutes past the closing time of 11:30 p.m.
- (3) Nothing contained in paragraph (2) shall prohibit a Retailer from being in its Place of Business at any time:
 - (a) For purposes of responding to emergency situations such as fire or burglary;
 - (b) For purposes of taking inventory, making repairs, renovating, or any other Alcoholic Beverage business purpose which does not involve the presence of Persons other than the Retailer, its agents or employees, when the activities could not reasonably be carried out during regular business hours, provided that the Licensee posts on all door entrances to the Place of Business a sign to read: **"CLOSED, NO CUSTOMERS ALLOWED ON PREMISES."**
 - (c) This exception does not relieve the Licensee from full compliance with all local laws and regulations or authorize the presence on the Retailer's Place of Business of any Person other than the Retailer, its agents or employees.

- (4) Except as provided in Rule 560-2-3-.14, no Retailer shall operate in connection with anyother mercantile establishment.

NOTE: Statesboro Sunday sales referendum passed by voters on November 8, 2011 only authorized Sunday package sales of wine and beer. Local voters have not authorized Sunday distilled spirits package sales.

Rule 560-2-3-.04. Products Other than Distilled Spirits for Sale, Display, or Offer

No Retailer of Distilled Spirits shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed Premises where Distilled Spirits are offered for sale, any other products or services except the following:

- (a) Wines, if the Retailer holds a valid and current license to sell Wine at that Place of Business;
- (b) Malt Beverages, if the Retailer holds a valid and current license to sell Malt Beverages at that Place of Business;
- (c) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications, and over-the-counter birth control devices;
- (d) Beverages containing no Alcohol and which are commonly used to dilute Distilled Spirits;
- (e) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers).
 - 1. The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling."
- (f) Paper, styrofoam, or plastic cups, gift bags, which are limited in size to accommodate one 750 ml size bottle of wine or distilled spirits, and contain only products approved for sale or display by this regulation.
- (g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such Retailer is also an authorized retailer of the Georgia Lottery Corporation;
- (h) Bar supplies, limited to:
 - 1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers, and

wares made of glass, plastic, metal or ceramic materials

2. Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks.
3. Alcoholic Beverage drink recipe booklets, bar guides, and consumer-oriented Alcoholic Beverage publications.

- (i) Products co-packaged with Alcoholic Beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of Alcoholic Beverage product;
- (j) Check cashing services arising out of the sale of any product lawfully sold under this Rule;
- (k) Money order sales arising out of check cashing services;
- (l) Automated teller machine service for customer use; and
- (m) Gift certificates for use only at the issuing licensed Retailer.
- (n) Devices and related accessories designed primarily for accessing or extracting alcohol and/or flavorings from prepackaged containers, including pods, pouches, capsules or similar containers, to mix or prepare alcoholic beverages. Devices which are not designed primarily for these purposes, including but not limited to household blenders, are not eligible under this subsection.

LICENSE FEE RESTRICTION

OCGA 83-4-50

The annual license fee to be charged by a municipality or county pursuant to this article shall not be more than \$5,000.00 for each license.

TAXES

City of Statesboro's current ordinance assesses maximum tax rate allowed under state law (OCGA 83-4-80) and does not require amendment to be applicable to liquor store sales

Sec. 6-21. - Excise tax on the wholesale of malt beverages, wine, and distilled spirits

(a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows: (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons; (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(c) **There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter**

(d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

Zoning: Staff recommendation is that Mayor and Council consider restricting liquor stores to the following zoning districts: Central Business District, Highway Oriented Commercial, Commercial Retail, Light Industrial, and any subsequently created zoning districts that overlay these designated districts.

Newnan City Council approved following liquor store ordinance on August 24, 2021, prior to subsequently passed voter referendum held on 11/2/21. Ordinance covers most pertinent considerations, particularly those associated with mandating a limited number of licenses, such as minimum square footage, freestanding requirement, inventory requirement, zoning hours of operation, proximity requirements as to other licensed premises and vulnerable establishments, application/ lottery process

Sec. 3-68. License issuance for distilled spirits package sales - Retail dealer building and inventory requirements

(a) General regulatory and licensing procedures of distilled spirits package sales shall conform to Article I, Article II, and Article V of Chapter 3 Alcoholic Beverages of the City's Code of Ordinances.

(b) No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted (a) is not "free standing" (i.e., is part of a larger building or structure) and (b) does not include a showroom with a minimum of 5,000 square feet and an additional storage area of at least 500 square feet. For distilled spirits retail

dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this ordinance, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements. In addition to the minimum square footage, retail dealers for the sale of distilled spirits shall maintain a minimum inventory of at least \$750,000.00 in distilled spirits available for sale. Retail dealers selling malt beverages and wine in addition to distilled spirits shall maintain a minimum of \$35,000.00 inventory in malt beverages and wine.

(c) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city council, located under the planning and zoning ordinance of the city in a CGN, CCS, or PDC zoning district subject to the specific limitations of the respective districts.

(d) No premises shall be licensed for the sale of distilled spirits by the package without complying with the distance requirements as set forth below:

1. which is located within 1,500 feet of any other business licensed to sell distilled spirits by the package.
2. which is located within 300 feet of any church building, alcoholic treatment center as defined by OCGA 3-3-21(a)(1)(c), or a housing authority property as defined in OCGA 3-3-2(e)(1) and (2).
3. which is located within 600 feet of any school building, educational building, school grounds, or college campus.
4. which is located within 300 feet of a residential zoned single-family dwelling unit.
5. All measurements shall be measured by the most direct route of travel on the ground, from front door to front door

(e) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits issued by the city.

(f) It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of distilled spirits by the package.

(g) It shall be unlawful for any person to sell or offer for sale distilled spirits by the package within the city by means of drive-through sale. For purposes of the section, the term "drive-through sale" means the sale of distilled spirits by the package by any means that allows the customer to remain in their motor vehicles.

(h) Each application for a package distilled spirits license shall be accompanied by a non-refundable application fee in the amount of \$500.00.

(i) The license fee for a retail sales of distilled spirits package license shall be \$5000.00

annually. To add a retail sales of package malt beverage license the fee shall be an additional \$500.00 annually; and to add a retail sales of package wine license the fee shall be an additional \$500.00 annually.

(j) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

Sec. 3-69 Maximum number of distilled spirits retail licenses permitted.

(a) Subject to subsection (b)-(e) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of three (3).

(b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below three, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to three.

(c) The provisions of subsection (b) notwithstanding, one (1) additional license may be issued once the population of the city exceeds 50,000. In this regard, additional licenses may be issued in the future for each 12,500 person increase in population over 50,000. In determining population, the city shall utilize the most recent population figures published by the Atlanta Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2020 or any future decennial census.

(d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

(a) If the city receives more applications than allotted licenses to be issued under this section which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in this Chapter, then the selection of the successful application(s) shall be conducted by a lottery system overseen by an independent third party firm. The applications drawn from the lottery system shall then be presented to the city council for action on the approval of the initial licenses to be issued under this Chapter.

(b) Applications for the initial issuance of licensees will not be accepted until the effective date of this ordinance. Acceptance of applications for the initial licenses, or any future allocation of licenses, will remain open for a period of sixty (60) days before review and consideration of such applications in accordance with subsection (e) above.

Sec. 3-70. Time for sales distilled spirits package sales.

(a) It shall be unlawful for any distilled spirits package dealer in the city to sell distilled spirits except between the hours of 7:00 a.m. and 2:00 a.m. Monday through Saturday morning, and except between the hours of 7:00 a.m., Saturday morning through 12:00 midnight Saturday night

Date: February 9, 2022

To: Mayor Taylor

From: J. Douglas Parks, P.C.

SUPPLEMENTAL MEMO REGARDING CITY OF CANTON PROCEDURES

Attached you will find the procedural method used by the City of Canton regarding their introduction of distilled spirits package stores to their community. You will note that Canton is using a sealed bid system for their licensing. The bids are reviewed and if compliant the bid funds become nonrefundable. The current compliant bidder for their first license provided a bid in excess of four hundred thousand dollars.

Our office at this point is not recommending this but is providing this memo to ask whether you wish us to pursue this in depth for potential use here in Dahlonaga. We are prepared to alter our current strategy if you feel it to be appropriate.

We have in our possession a full complement of Canton documents if you wish to see additional materials.

**REQUEST FOR BIDS
for
ALCOHOL LICENSE FOR PACKAGE SALES OF DISTILLED SPIRITS**

SECTION I - OVERVIEW OF REQUEST FOR BIDS

A. PURPOSE

The City of Canton, Georgia is requesting responses to this Request for Bids from interested and serious businesses who seek to obtain a license for package sale of distilled spirits. The City of Canton Code of Ordinances require any business wishing to engage in the sale of distilled spirits via package sales, to obtain the appropriate Alcohol License.

The mayor and council, in the exercise of its police power, wishes to permit, but not promote, the sale of malt beverages, wines, and distilled spirits, in the incorporated city limits, this being necessary for the effective regulation and control of the sale of those alcoholic beverages and for the protection of the health, safety, and welfare of the citizens of the city. It is the further intent of the mayor and council, through the licensing and regulation of the sale of alcoholic beverages, to protect property values and individual rights of the citizens and to prevent the sale of alcoholic beverages from being an undesirable intrusion on the rights of the citizens of the city and to raise sufficient revenues to cover the costs of licensing, regulating and policing the sales of alcoholic beverages within the city limits (Canton's Municipal Code of Ord Sec 6.1.)

Residents of the City of Canton approved a referendum on November 2, 2021, supporting the ability to sell distilled spirits in package form within the City of Canton. On November 4, 2021, Council approved an ordinance allowing for the licensing of businesses that carry out the sale of distilled spirits in package form, those licenses being limited based on the current population of the City of Canton as estimated by the 2020 Census.

B. INFORMATION TO BIDDERS

I. SUBMISSION OF BIDS:

One original signed bid form (Appendix A) must be received no later than 10:00am local time on Friday, January 28, 2022.

Proposals must be submitted in a sealed envelope stating on the outside the bidder's name, address, telephone number, and titled (RFB for Alcohol License for Package Sales of Distilled Spirits) to:

*City of Canton
Attn: Alcohol Licensing
110 Academy Street
Canton, GA 30114*

Submittals received after the due date and time will not be considered. Modifications received after the due date will not be considered.

The City of Canton reserves the right to declare as non-responsive and reject any proposal in which the material information requested is not furnished or where indirect or incomplete answers or information are provided.

II. CONTACT PERSON:

Offerors are encouraged to contact Nathan Ingram via Email: nathan.ingram@cantonga.gov to clarify any part of the RFB requirements. All questions that arise prior to the DEADLINE FOR QUESTION due date shall be directed to the contact person in writing via email. Any unauthorized contact shall not be used as a basis for responding to this RFB.

III. REJECTION OF PROPOSALS

The City of Canton reserves the right to accept or reject, in part or in whole, any portion of a bid package and/or reject all bids when in its judgement such action is deemed necessary and in the best interest of the City. City of Canton also reserves the right to waive or dispense with any formalities in any bid proposal or in the submittal procedure whenever the City in its sole discretion believes such waiver is in the City's best interest.

Omissions and incomplete responses, which materially affect the City's ability to evaluate a bid, may render the proposal non-responsive. Respondents may submit whatever additional information they feel appropriate to accompany their bid and in whatever additional format they desire. However, the additional information must be submitted as an appendix and must be identified as such.

IV. NON-COLLUSION AFFIDAVIT AND CONFLICT OF INTEREST STATEMENT

By submitting a bid/proposal, the firm represents and warrants that such proposal package is genuine and not collusive or made in the interest or in behalf of any person not therein named and that the offeror has not directly or indirectly induced or solicited any other firm/offeror to put in a proposal, or any other person, firm or corporation to refrain from submitting and that the offeror has not in any manner sought by collusion to secure to that firm any advantage over another.

The firm will certify, along with any sub consultants that, to the best of its knowledge, no circumstances exist which shall cause a conflict of interest in performing services for City of Canton and that no company other than the bona fide employees working solely for the Consultant or sub consultant has been employed or retained to solicit or secure the bid. Furthermore, by submitting a proposal, the firm represents and warrants that no official or employee of the City of Canton has an interest, directly or indirectly in the proposal, or in any expected profits to arise therefrom.

V. COST INCURRED BY RESPONDENT

All expenses involved with the preparation and submission of the RFB or any work performed in connection therewith is the responsibility of the respondent(s).

SECTION II - ADMINISTRATIVE PROCESS AND GENERAL INFORMATION

The City of Canton, Georgia is requesting responses to this Request for Bids from interested and serious businesses who seek to obtain a license for package sale of distilled spirits.

The following sections will describe the process, the timeline and further requirements.

A. THE REQUEST FOR BID (RFB)

The City will issue the RFP on January 3, 2022. The RFB will include the following:

- Appendix A – Bidder Information Form. This form will be required to be submitted as part of the final Bid Package, due by January 28, 2022 @ 10a.m., and in a sealed letter labeled as described in Section I above.
- Timeline of RFB Process (Cover Sheet & Section I above)
- Appendix B - Ordinance as adopted by the City Council (Original adoption as of November 4, 2021 and as amended on December 16, 2021)
- Appendix C – Resolution approved by the City Council describing the administrative process used to award each license

B. MANDATORY PRE-BID MEETING

On January 14, 2022, at 10 a.m., the City will host a Mandatory Pre-Bid Meeting in the City Hall Auditorium located at 110 Academy Street, Canton, Georgia. Only those interested parties that attend the pre-bid meeting will be eligible to bid on the license. Those bids received from firms that did not attend the Mandatory Pre-Bid meeting will be disqualified and returned to the bidder unopened. The Meeting will include the following:

- Presentation of the Ordinance
- Explanation of the Timeline
- Explanation of the Administrative Procedure Post Bid Award
- Explanation of the Use of Bid to offset fees
- Q&A with Staff and City Attorney

C. QUESTIONS AND RESPONSES

All questions regarding the bid and/or process must be received no later than January 21, 2022, by 5 p.m. and should be submitted to nathan.ingram@cantonga.gov. Response to those questions received will be sent all parties that attended the mandatory meeting and will be sent out no later than January 24, 2022, at 5 p.m.

D. BID DUE DATE AND THE SELECTION PROCESS

Sealed bids will be due on January 28, 2022, at 10 a.m. All successfully submitted sealed bids will be opened publicly in the City Hall Auditorium immediately after 10 a.m. and will be publicly read and ranked. Sealed bids must include the Bidder Information Form including the monetary bid for the license. In the case of tying top bids, all tied bids will be given until January 31, 2022, at 2 p.m. to submit a revised bid.

After the determination of the high bid, the bidder will have until the end of the next business day to present the City with a certified check in the amount of the bid. If a check is not presented by the deadline, the next highest bidder will be notified and given 48 hours to submit a certified check and so on until a bid check has been accepted by the City.

Once the bid check is in hand, the bidder will have 30 calendar days to apply for a license to the City. Upon approval of license application, the bidder will then have 90 days to pull a permit related to the project or a business license. If a permit or occupational license is not pulled within 90 days of the license approval, the City Manager has the authority to revoke the license and begin the application process with the next highest bidder.

Finally, when the permit or business license is issued, the City will then start the process anew for the second license, and so-on until all four licenses have been issued.

E. USE OF BID FUNDS

On the Bidder Information Form, a monetary bid will be listed by the bidder. The highest amount will secure the option on the first license. Up to fifty percent of the bid will be issued as a credit against the project to offset fees due to the City including the application fee, license fee(s), and permit fees. The amount of the bid above fifty percent will be remitted to the General Fund of the City. At the approval of the final CO, any fee credits not used by the project will remit to the General Fund of the City.

CITY OF CANTON
REQUEST FOR BIDS
for
ALCOHOL LICENSE FOR PACKAGE SALES OF DISTILLED SPIRITS
APPENDIX A

The undersigned certifies the truth and correctness of all statements and of all answers to questions made hereinafter.

Business Name of Bidder: _____

Business Address of Bidder: _____

Name of Individual Signing: _____

Title of Individual Signing: _____

Phone #: _____ Email: _____

Bid Amount: \$ _____

Has a location for Sales of Distilled Spirits been identified: Yes _____ No _____

If so, Location's Address: _____

Signature: _____

By signing, Bidder confirms that they are legally able to obtain an Alcohol License for Package Sale of Distilled Spirits with the City of Canton

Appendix C

Administrative Process for Distilled Package Sales Licensing

- 1) The City will issue an RFB (Request for Bids) on January 3, 2022. The RFB will include the following:
 - a. Final Ordinance for Distilled Package Sales
 - b. Timeline of RFB Process
 - c. Administrative Procedure Post Bid Award
 - d. Explanation on Use of Bid to offset fees
 - e. Bidder Information Form
- 2) On January 14, 2022, at 10 a.m., the City will host a Mandatory Pre-Bid Meeting in the City Hall Auditorium. Only those interested parties that attend the pre-bid meeting will be eligible to bid on the license. The Meeting will include the following:
 - a. Presentation of the Ordinance
 - b. Explanation of the Timeline
 - c. Explanation of the Administrative Procedure Post Bid Award
 - d. Explanation of the Use of Bid to offset fees
 - e. Participant Q&A with Staff and City Attorney
- 3) All questions regarding the bid and/or process must be received no later than January 21, 2022, by 5 p.m. and should be submitted to Nathan.ingram@cantonga.gov. Response to any questions received will be sent out to all parties that attended the mandatory meeting no later than January 24, 2022, at 5 p.m.
- 4) Sealed bids will be due on January 28, 2022, at 10 a.m. All successfully submitted sealed bids will be opened publicly in the City Hall Auditorium immediately after 10 a.m. and will be publicly read and ranked. Sealed bids must include the Bidder Information Form including the monetary bid for the license. In the case of tying top bids, all tied bids will be given until January 31, 2022, at 2 p.m. to submit a revised bid.
- 5) After the determination of the high bid, the bidder will have until the end of the next business day to present the City with a certified check in the amount of the bid. If a check is not presented by the deadline, the next highest bidder will be notified and given 48 hours to submit a certified check and so on until a bid check has been accepted by the City.
- 6) Once the bid check is in hand, the bidder will have 30 calendar days to apply for a license to the City.
- 7) Upon approval of the license, the bidder will have 90 days to pull a permit related to the project or a business license. If a permit or occupational license is not pulled within 90 days of the license approval, the City Manager has the authority to revoke the license and begin the application process with the next highest bidder.
- 8) Once the permit or business license is pulled, the City will then do a Request for Bids to the public for the second license. The process will be followed until each of the first four licenses are issued and will be followed for additional future licenses at populations increase.

The Bid

On the Bidder Information Form, a monetary bid will be listed by the bidder. The highest amount will secure the option on the first license. Fifty percent of the bid will be issued as a credit against the project to offset fees due to the City including the application fee, license fee(s), and permit fees. The amount of the bid above fifty percent will be remitted to the General Fund of the City. At the approval of the final CO, any fee credits not used by the project will remit to the General Fund of the City.