



TOWN COUNCIL MEETING December 05, 2024 at 7:00 PM

950 Senoia Road, Tyrone, GA 30290

Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Jessica Whelan, Post 1

Dia Hunter, Post 2

Billy Campbell, Post 3

Brandon Perkins, Town Manager

Dee Baker, Town Clerk

Dennis Davenport, Town Attorney

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

V. APPROVAL OF AGENDA

VI. CONSENT AGENDA: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Approval of minutes from November 21, 2024.

2. Approval to re-appoint Mr. Tracy Young to serve as the Town's representative on the Fayette County Development Authority Board of Directors for a four-year term (2025 - 2028). - **Eric Dial, Mayor**

3. Approval of a resolution authorizing the Town of Tyrone's participation in an amicus brief in the Chang v. City of Milton appeal. - **Brandon Perkins, Town Manager**

VII. PRESENTATIONS

4. Service Recognitions: Sandra Beach 15 Years; Cayla Banks 10 Years

VIII. PUBLIC HEARINGS

IX. OLD BUSINESS

5. Approval of a correction to revisions made to the Golf Cart Ordinance on November 7, 2024. - **Brandon Perkins, Town Manager**

X. NEW BUSINESS

6. Approval of a new State-required (HB 451) First Responder PTSD Insurance program through MetLife with an annual premium of \$2,368.00. **Brandon Perkins, Town Manager**

XI. PUBLIC COMMENTS: *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

XII. STAFF COMMENTS

XIII. COUNCIL COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

TYRONE TOWN COUNCIL MEETING

MINUTES

November 21, 2024 at 7:00 PM

Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Jessica Whelan, Post 1
Dia Hunter, Post 2
Billy Campbell, Post 3

Brandon Perkins, Town Manager
Dee Baker, Town Clerk
Dennis Davenport, Town Attorney

Absent: Council Member Dia Hunter.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Linda Howard spoke regarding Wreaths Across America. Wreaths will be placed on soldiers' gravesites on December 14, 2024. The deadline for the sponsorship is November 25, 2024, and the cost is \$17. The sites will be at Hopewell beside 881 Senoia Road and Sharon Memorial Gardens.

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

Motion made by Council Member Campbell, Seconded by Council Member Furr.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

VI. CONSENT AGENDA: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Approval of minutes from November 7, 2024.
2. Approval of a contract from Action Packed Party Rentals for the Town Christmas Tree Lighting event on Sunday, December 1, 2024, not to exceed \$3,392.00.
3. Approval of Pyro Enterprise's contract for the December 1, 2024, Christmas event for \$8,900.00.

- 4. Consideration of a request from Chabad Southside to use the Recreation Center to host their Grand Menorah Lighting celebration on December 29, 2024, and to waive the rental fee.

A motion was made to approve the consent agenda.

Motion made by Council Member Whelan, Seconded by Council Member Campbell.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

IX. OLD BUSINESS

- 5. Approval of a correction to revisions made to the Golf Cart Ordinance on November 7, 2024. Brandon Perkins, Town Manager

Mayor Dial requested a motion to table the item to the first meeting in December.

A motion was made to table the item to the December 5, 2024, meeting.

Motion made by Council Member Campbell, Seconded by Council Member Furr.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

X. NEW BUSINESS

- 6. Approval of the Town's Employee Health Insurance coverage and rates for 2025. Brandon Perkins, Town Manager

Mr. Perkins explained that after several discussions with the provider, the Town's broker relayed to staff that there would be no increase next year except for a small increase in Dental coverage. Mayor Dial inquired if the plans have changed. Mr. Perkins stated that no, the plans for coverage had not changed.

A motion was made to approve the 2025 Insurance coverage from Anthem.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

- 7. Consideration to purchase a 2024 Ford Police Interceptor Utility vehicle to replace a patrol vehicle lost in an automobile accident, with insurance coverage under the State Contract for \$24,453.25 from Wade Ford. Randy Mundy, Police Chief

Chief Mundy stated that a police vehicle was totaled due to an accident. Insurance was awarded \$22,000.75 and the remaining amount for the \$46,545.00 Police Interceptor was \$24,453.25.

Council Member Campbell inquired about the amount to outfit the vehicle. Chief Mundy explained that in the interim, the vehicle would be used as a staff vehicle until the next budget was approved, which Major Brock was currently working on.

A motion was made to approve the remaining amount of \$24,453.25 for a 2024 Police Interceptor Ford Explorer from Wade Ford.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

XI. PUBLIC COMMENTS: *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

XII. STAFF COMMENTS

Mr. Perkins asked for permission to remove the small cinderblock white building located at 881 Senoia Road which was used as storage for the former town hall. It was old and dilapidated. He added that during the reconstruction of the offices, there would be a roll-off dumpster and Public Works staff could handle the removal. All agreed. Mr. Perkins updated Council that the clean-out would continue from the damage of the burst pipes and that staff had encountered some mold. If it became an issue, a contractor would need to be hired for the remaining removal.

Mr. Perkins shared that the bid opening for pavement markings on Senoia Road and Dogwood Trail was today, and there were no bidders. He added that it may have been too small for a job for contractors. He added that Mr. Langford would place the ad again in December, or January. Council Member Campbell asked if the pavement marking could be added to the forthcoming paving of Dogwood Trail. Mr. Perkins shared that he would seek Mr. Langford’s guidance.

Mr. Perkins announced that the Public Works pole barn and roundabout projects ads for bids were out and expected to receive bids up to the second week in January. Council Member Campbell asked if the sewer was a part of that bidding process. Mr. Perkins stated that it was.

Mr. Perkins began a discussion regarding the placement of the new 2,000 sq. ft. performance stage to be constructed at Shamrock Park. He shared that the architect recommended not placing the stage backing the lake in the center as it would block the lake view from Senoia Road. Council Members discussed placing the stage to the left corner as you face the lake.

Different options were discussed, taking into consideration the sun and allowing a wider viewing range from 1,600 participants to 47,000. Power capability, and the background were also discussed. Council Member Whelan disapproved of the placement on the left side due to the backdrop. Mayor Dial did not wish for the lake to be obscured.

Council Member Campbell did not wish for the fountain to be hidden. Council Member Campbell suggested staking the property to get a better visual. Mr. Perkins stated that he would touch base with the architect.

Mr. Perkins reminded everyone of the annual Lighting of the Christmas Tree and Market at Shamrock Park on December 1st from 2:00 p.m. to 7:00 p.m., which would be followed by fireworks.

XIII. COUNCIL COMMENTS

Council Member Whelan recognized her son Ryan Whelan from Florida who was in attendance.

XIV. EXECUTIVE SESSION

A motion was made to move into the Executive Session for one real estate item and to review the Executive Session minutes from November 7, 2024.

Motion made by Council Member Campbell, Seconded by Council Member Furr.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

A motion was made to reconvene.

Motion made by Council Member Furr, Seconded by Council Member Campbell.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

A motion was made to approve the Executive Session minutes from November 7, 2024.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

XV. ADJOURNMENT

A motion was made to adjourn.

Motion made by Council Member Campbell.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan.

The meeting adjourned at 7:48 p.m.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk



COUNCIL AGENDA ITEM COVER SHEET

Meeting Type: Council - Regular

Meeting Date: December 5, 2024

Agenda Item Type: Consent Agenda

Staff Contact: Brandon Perkins, Town Manager

STAFF REPORT

AGENDA ITEM:

Approval to re-appoint Mr. Tracy Young to serve as the Town's representative on the Fayette County Development Authority Board of Directors for a four-year term (2025 – 2028).

BACKGROUND:

Mr. Young, a former member of the Town Council, has served as the Town's representative on the FCDA Board since 2017. Mayor Dial has asked him to serve another term and Mr. Young has agreed.

FUNDING:

None; this is not a paid position.

STAFF RECOMMENDATION:

Staff recommends approval of Mr. Young's re-appointment.

ATTACHMENTS:

None.

PREVIOUS DISCUSSIONS:

None.



COUNCIL AGENDA ITEM COVER SHEET

Meeting Type: Council - Regular

Meeting Date: December 5, 2024

Agenda Item Type: Consent Agenda

Staff Contact: Brandon Perkins, Town Manager

STAFF REPORT

AGENDA ITEM:

Approval of a resolution authorizing the Town of Tyrone's participation in an amicus brief in the Chang v. City of Milton appeal.

BACKGROUND:

A jury has awarded damages against the City of Milton in the amount of \$35,000,000 as a result of a 2016 auto accident in which a vehicle left the roadway and struck a city-owned masonry planter, causing injuries.

The Town, along with other Georgia municipalities, is being asked to participate in an amicus brief as the result of this case can have future implications for us all.

The following is from the Cornell Law website and is provided to give Council more insight on this matter:

“Amicus Curiae literally translated from Latin is ‘friend of the court.’ Plural is ‘amici curiae.’ Generally, it is referencing a person or group who is not a party to an action, but has a strong interest in the matter. This person or group will petition the court for permission to submit a brief in the action intending to influence the court’s decision. Such briefs are called ‘amicus briefs.’”

FUNDING:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

- 1. Resolution

PREVIOUS DISCUSSIONS:

None.

RESOLUTION OF THE TOWN OF TYRONE, GEORGIA (the “TOWN”) AUTHORIZING PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY OF MILTON APPEAL

WHEREAS, there is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442;

WHEREAS, the case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel;

WHEREAS, the masonry planter had been at the same location since 1992 and had never been the subject of a complaint or prior accident;

WHEREAS, at the trial court, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of \$35,000,000;

WHEREAS, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 2024 WL 4195584 (Chang appellate ruling);

WHEREAS, the Court of Appeals ruled that the “*planter...was a hazard for vehicles leaving the travel lanes*” and that its presence “*renders the use of these thoroughfares more hazardous;*”

WHEREAS, the TOWN is concerned by the Court of Appeals decision finding that a municipality may be liable for fixed obstructions located outside the motoring lanes of travel where the obstruction had never been the subject of a prior collision or complaint;

WHEREAS, the TOWN believes the Court of Appeals decision is inconsistent with existing legal precedent and should be overturned; and,

WHEREAS, the TOWN believes the financial implications of the Court of Appeals decision could be devastating for Georgia municipalities.

NOW THEREFORE BE IT RESOLVED, that the TOWN does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed. An amicus brief so tendered may include the Town’s name as a participating party.

This _____, day of _____, 2024.

Mayor

[SEAL]



November 12, 2024

To: Mayor and Council
CC: N/A
From: Brandon Perkins, Town Manager
Re: Correction of Changes to the Golf Cart Ordinance

On November 7, 2024, Council voted to change the Town’s Golf Cart ordinance to allow golf carts to be operated on Dogwood Trail between Meadowood Lane and Greencastle Road.

On November 11, 2024 it was brought to my attention by a staff member that the new ordinance document prepared by our legal team referred to “Section 36-75 (j)” of the ordinance while the Town’s current ordinance does not have a Section 36-75 (j). It appeared that the correct reference should have been Section 36-75 (g). I reached out to Mr. Davenport to inquire about this apparent error and he was able to ascertain that he’d referenced an outdated version of the ordinance when drafting the correction prior to the meeting.

In order to correct this matter, Council will need to take two actions during the November 21, 2024 meeting:

1. Vote to rescind the vote taken at the November 7, 2024 meeting; and
2. Vote to adopt the ordinance in correct form (attached) amending the current language of the Golf Cart Ordinance.

Incorporated 1911

STATE OF GEORGIA

TOWN OF TYRONE

ORDINANCE

NO. 2024-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF TYRONE, GEORGIA; TO AMEND THE PROVISIONS PERTAINING TO THE REGULATIONS ALLOWING FOR THE USE OF GOLF CARTS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF THE TOWN OF TYRONE AS IT PERTAINS TO THE USE OF GOLF CARTS (CHAPTER 36), BE AMENDED AS FOLLOWS:

Section 1. By deleting Section 36-75 (g) pertaining to Operation Regulations for the use of golf carts in Article III in its entirety, and by enacting, in lieu thereof, a new Section 36-75 (g) pertaining to Operation Regulations for the use of golf carts in Article III to read as follows:

Sec. 36-75. Operation regulations.

(g) No low-speed motor vehicle or golf carts shall be permitted to operate on the following streets within the boundaries of the town, except where authorized crossings are provided:

- (1) Palmetto Road;
- (2) Tyrone Road;
- (3) Dogwood Trail (except between Meadowood Lane and Greencastle Road);
- (4) Jenkins Road;
- (5) Sandy Creek Road; and
- (6) Peggy Lane.

Section 2. This ordinance shall become effective immediately upon its adoption by the Mayor and Council for the Town of Tyrone.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Mayor and Council hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2024.

MAYOR AND COUNCIL FOR THE
TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney



COUNCIL AGENDA ITEM COVER SHEET

Meeting Type: Council - Regular

Meeting Date: November 21, 2024

Agenda Item Type: New Business

Staff Contact: Brandon Perkins, Town Manager

STAFF REPORT

AGENDA ITEM:

Approval of a new State-required (HB 451) First Responder PTSD Insurance program through MetLife with an annual premium of \$2,368.00.

BACKGROUND:

Georgia HB451 was signed into law by the Governor earlier this year and requires, in part, any public entity employing first responders to pay for benefits that assist with mental health treatment for conditions related to critical incidents experienced on the job.

Since this was a new mandate, the required coverage did not exist so GIRMA worked with MetLife to create the GMA-GIRMA Georgia First Responder PTSD Program. They then provided quotes for coverage to each entity based on first responder employee data submitted through their portal. The Town’s quote for the required coverage was \$2,368.00 annually for the minimum coverage, which provides a \$3,000 lifetime benefit upon diagnosis (Component 1).

Optionally, the Town could provide more coverage at increased rates:

\$5,000 limit: \$2,528.00 premium

\$10,000 limit: \$2,944.00 premium

\$15,000 limit: \$3,360.00 premium

The new plan will also provide (Component 2) a PTSD disability benefit for any first responder who can no longer perform their duties as a result of their diagnosis. That benefit is 60% of their pre-disability earnings up to a maximum of \$5,000 per month.

Please note that the Town’s current medical insurance does cover psychology/mental health needs, so the minimum coverage required by HB451 should suffice.

Coverage must be in place by January 1, 2025.

If you’d like to review the language of HB451 in its entirety, it can be found online at <https://www.legis.ga.gov/api/legislation/document/20232024/225781>.

FUNDING:

Up to \$3,360.00 from the Public Safety General Fund Budget.

STAFF RECOMMENDATION:

Staff recommends approval of the minimum plan at a cost of \$2,368.00 for calendar year 2025.

ATTACHMENTS:

- Plan Information

PREVIOUS DISCUSSIONS:

None.



GMA - GIRMA Georgia First Responder PTSD Program Proposal for Coverage

Effective Date: January 1, 2025

Anniversary Date: January 1

Member: Town of Tyrone

Member Number: 0000237

Insurer: Metropolitan Life Insurance Company (MetLife)

There are two coverage components required by House Bill 451 (2024) effective January 1, 2025:

- 1) Lifetime Critical Illness Lump Sum PTSD Diagnosis Benefit
- 2) Lifetime Long-Term PTSD Disability Benefit (Income Replacement)

The GMA-GIRMA Critical Illness Lump Sum PTSD Diagnosis Benefit and Long-Term Disability (Income Replacement) coverage components are designed to comply with House Bill 451 when purchased together. However, a city is permitted to purchase only one component if you have existing coverage that complies with the new law.

Estimated annual premiums are based on the Eligible First Responder census data provided by the city. While the premiums below are estimated annual amounts, the city will be billed on a semiannual basis in an amount that reflects the city's updates to the census.

Component 1: Lump Sum PTSD Diagnosis Benefit –	
All First Responders	
Lifetime Benefit per first responder:	\$3,000 (Mandated Limit)
Lump Sum PTSD Diagnosis Benefit - Estimated Annual Premium for All First Responders:	\$736.00

Component 2: PTSD Disability Limit	
Employed First Responders	
Monthly benefit:	60% of pre-disability first responder earnings
Maximum monthly benefit per first responder:	\$5,000
Estimated Annual Premium for Employed First Responders:	\$1,632.00
Volunteer First Responders	
Monthly Benefit per first responder:	\$1,500
Estimated Annual Premium for Volunteer First Responders:	\$0.00
PTSD Disability Limit – Estimated Annual Premium for All First Responders:	\$1,632.00
Estimated Annual Premium for Components 1 & 2: Lump Sum PTSD Diagnosis Benefit and PTSD Disability Benefit	\$2,368.00

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later. This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).



Optional Limits for Consideration:

The coverage limits reflected for Lump Sum PTSD (\$3,000) and PTSD Disability Benefit (60% of earnings for employees and \$1,500/month for volunteers) on Page 1 of the Proposal for Coverage reflect the mandated amounts required by HB 451. However, if your city would like to purchase additional limits above the mandated amounts, the pricing is outlined in the table below. You can select a higher limit for Lump Sum PTSD only, a higher limit for PTSD Disability only, or a higher limit for both coverages. To elect a higher limit, please check the box beside the chosen limit(s).

***If you do NOT want to elect a higher limit, you can disregard this form. If optional limits are not selected, coverage will default to the minimum required limits in HB 451.**

In order to bind coverage for this program (mandated OR optional limits), the executed Application and Participation Agreement as well as the enrollment documents are required.

Lump Sum PTSD Diagnosis Limit	Total Premium Cost at Higher Limit	Check to increase limit
\$5,000	\$2,528.00	
\$10,000	\$2,944.00	
\$15,000	\$3,360.00	

PTSD Disability Benefit (Class 2 Volunteers ONLY)	Total Premium Cost at Higher Limit	Check to increase limit
\$2,000	\$2,368.00	

This document must be signed and returned to Lockton at gfrptsd@lockton.com for the higher limits to be effective.

City Name: _____

Name of Authorized City Employee: _____

Title of Authorized City Employee: _____

Signature of Authorized City Employee: _____

Date: _____

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later. This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

**GEORGIA INTERLOCAL RISK MANAGEMENT (GIRMA)
FIRST RESPONDER PTSD APPLICATION AND PARTICIPATION AGREEMENT**

Employers eligible to participate in GIRMA (hereinafter a “Participating Employer” or “Employer”) shall complete this Application and Participation Agreement in order to purchase First Responder PTSD coverage fully insured by MetLife under the GIRMA Fund C Master Policy for a Lump Sum PTSD Diagnosis Benefit, a PTSD Disability (Income Replacement) Benefit, or a Combined Lump Sum PTSD Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit. Once approved by GIRMA’s Program Administrator, the Participating Employer will receive a one-page Summary of Benefits identifying the purchased coverage(s) (the “First Responder PTSD Policy”) and a link to the Policy Certificate for the purchased coverage(s), so it may make these available to individuals performing service for them as an employed or volunteer “First Responder” as defined below (“First Responders”).

Who Does What?

- GIRMA is the Policyholder of a First Responder PTSD Policy insured by MetLife, which provides a Lump Sum Benefit and a Disability (Income Replacement) Benefit. These coverages together are designed to meet the requirements of the Ashley Wilson Act (the “Act”), effective January 1, 2025.
- Georgia Municipal Association, Inc., (“GMA”) is the Program Administrator for GIRMA. GMA uses information from the First Responder census data provided by the Participating Employer to bill for the premiums due under the First Responder PTSD Policy and maintains (either directly or through the broker for the First Responder PTSD Policy) Participating Employers’ Application and Participation Agreements.
- Participating Employers are responsible for providing census data to GMA’s broker that identifies all First Responders (as defined below) performing first responder services for them, classifying the First Responders by statutory definition and as employed or volunteer, and identifying those First Responders who are First Responders for another Public Entity.
- Participating Employers are responsible for submitting complete and accurate census data and paying premiums to GMA, communicating with First Responders about the coverages the Employer provides, providing the Summary of Benefits and link to the applicable Certificate to First Responders, and providing all requested information and documentation requested by GMA’s broker to ensure the census is current.
- Participating Employers are responsible for designating an authorized member of human resources staff to receive inquiries from MetLife related to work requirements or work status for disability claims and provide all information requested by MetLife for that purpose.
- To comply with the confidentiality provisions of the Act, GMA and its broker will not inform Participating Employers whether a First Responder has submitted a claim for benefits or received any such benefits.
- Participating Employers are responsible for ensuring that any information in their possession related to claims, and any other information that would reasonably identify an individual as having been diagnosed with PTSD, is used only in accordance with applicable laws and is kept confidential in the same way as mental health information related to an employer sponsored major medical plan or employee assistance program.
- Participating Employers are prohibited by law from taking any employment action solely as a result of a First Responder’s diagnosis, claims, or benefits.
- MetLife evaluates claims and pays approved claims under the First Responder PTSD Policy. All claims for benefits must be submitted to MetLife.
- First Responders do not need to inform the Participating Employer that they are making a claim.
- Neither GIRMA nor GMA have any role in claim determination or payment.

Definition of First Responder. A First Responder for the Participating Employer is an individual who meets one or more of the following definitions as a result of services he or she performs for the Participating Employer as an employee or volunteer:

- (A) 'Communications officer' as defined in Code Section 37-12-1;
- (B) 'Correctional officer' as defined in Code Section 45-1-8;
- (C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;
- (D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;
- (E) 'Firefighter' as defined in Code Section 25-4-2;
- (F) 'Highway emergency response operator' as defined in Code Section 45-1-8;
- (G) 'Jail officer' as defined in Code Section 45-1-8;
- (H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;
- (I) 'Peace officer' as defined in Code Section 35-8-2;
- (J) 'Probation officer' as defined in Code Section 45-1-8; and
- (K) Law enforcement officer with the Department of Natural Resources.

Employer Obligations:

- Employer shall not require any kind of contribution from First Responders for the coverage(s) provided under the First Responder PTSD Policy.
- Employer is solely responsible for identifying all First Responders (as defined above). Any questions about First Responder status should be resolved by contacting legal counsel. Participating Employers that are members of GIRMA's Property and Liability Fund may call the GIRMA HelpLine at 800-721-1998 for free legal advice about whether an individual meets the statutory definition.
- Employer is solely responsible for keeping an accurate list of all First Responders, and providing correct and complete information to GMA's broker.
- Employer shall submit initial First Responder census data to the GMA broker in the form requested, and must update this census data as requested in order to ensure that all First Responders are properly identified and classified.
- The Employer's cost for coverage under the First Responder PTSD Policy will be based on the most recent census data at the time of billing.
- Employer shall provide the Summary of Benefits and a link to the applicable Certificate to all First Responders at no charge, and shall provide a copy of the applicable Policy to First Responders upon request.
- If the Policy is terminated for any reason, Employer shall provide notification of termination to all First Responders.
- Whenever requested to do so by MetLife or GMA, Employer shall provide MetLife or GMA the information requested.

Benefits Exempt from Income Tax:

- MetLife has determined that benefits it will pay under the policy are not subject to state or federal income taxation. Accordingly, MetLife will not report benefits to the IRS or withhold any amounts from benefit payments.
- MetLife will advise benefit recipients that benefits are not subject to federal or state income tax, so MetLife will not withhold taxes or provide a 1099 or W-2 or report benefit payments to the IRS. MetLife will remind benefit recipients that the benefits may offset other benefits received by the recipient or have other tax consequences and encourage them to consult their tax advisor for guidance.
- MetLife will provide a summary of benefits to the benefits recipient upon request.
- Legal counsel to GIRMA has advised GIRMA of the following:

- The Ashley Wilson Act provides that benefits payable pursuant to the Ashley Wilson Act are not subject to Georgia income tax.
 - Benefits payable under the policy to First Responders (as defined in the statute) are not subject to federal income tax because the Ashley Wilson Act is a statute in the nature of a workers' compensation act under Treas. Reg. Section 1.104-1(b) and the MetLife policy bases benefits solely on diagnosis of work-related injuries or sickness as described in the Act.
 - Participating Employers have no tax obligations arising from payment of benefits to their First Responders.
- A copy of the opinion letter is available upon request.

Information Privacy and Security:

- See the attached PTSD Privacy Notice, which will be posted on the website where policy information is published. This Notice explains the privacy requirements of the Ashley Wilson Act and how individually identifiable information is used and shared.
- As a critical illness and disability policy, the PTSD Program is not subject to the federal information privacy and security law that applies to group health plans (HIPAA). However, GMA, the GMA broker, and MetLife protect individually identifiable information and use and share it only in accordance with the privacy provisions of the Ashley Wilson Act and any other applicable privacy laws.
- Participating Employers will provide census data to GMA's broker using a secure portal established by the broker.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase the First Responder PTSD Combined Lump Sum Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit unless the following option is checked.

_____ First Responder Lump Sum PTSD Diagnosis Benefit Only* (*Alone, this coverage does NOT meet the requirements of the Ashley Wilson Act. Leave BLANK if you want the full coverage.*)

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Program Administrator. Coverage may be terminated in accordance with the GIRMA Bylaws regarding termination of membership in a GIRMA Fund.

**On behalf of _____ [Name of Participating Employer], _____
County, Georgia, I submit this Application and Participation Agreement and agree to its terms.**

Signature: _____ Date: _____

Print Name: _____ Title: _____

Privacy Notice for Georgia First Responders PTSD Program

This Privacy Notice describes the individually identifiable information about First Responders that Program Administrators of the Georgia First Responders PTSD Program collect and how it is used and shared.

PROGRAM ADMINISTRATORS: Certain employees of Georgia Municipal Association (“GMA”) and Association County Commissioners of Georgia (“ACCG”) provide administrative services for the PTSD Program. The Southeastern Series of Lockton Companies, Inc. serves as broker for the MetLife insurance policy that is offered through the PTSD Program. GMA, ACCG, and Lockton are all Program Administrators of the PTSD Program.

PRIVACY OBLIGATIONS UNDER ASHLEY WILSON ACT: The Ashley Wilson Act contains privacy requirements for information that “could reasonably be used to identify individuals making claims or who have made claims or who have received benefits.” These privacy requirements were included because federal privacy law (HIPAA) does not apply to the Program. Program Administrators and MetLife treat this information as “sensitive mental health information” and only use and share the information to operate the Program, prepare aggregated reports, comply with the law, or as authorized by the First Responder.

Communications between First Responders (or their representatives) and Program Administrators or MetLife are confidential and privileged.

The Act ensures that First Responders can get the lump sum benefit in a confidential manner similar to receiving mental health benefits under a group health plan (subject to HIPAA) or under an employee assistance program, and limits interactions with the employer for disability benefits to those allowed for other mental health disability benefits.

- First Responders submit their claims for benefits directly to MetLife and do not need to inform the Employer.
- MetLife will not inform Program Administrators of claims or benefits without the First Responder’s express authorization.
- MetLife and Program Administrators will never tell Employers whether a First Responder has made a claim for or received a lump sum benefit (without express authorization).
- For the disability benefit, MetLife will only communicate with a human resources contact at the Employer about work requirements and work status, which will indicate that the First Responder has submitted a claim for disability benefits.
- Due to the nature of the Program, MetLife does not need to and will not provide any reports of benefits to the IRS or the Employer.
- If an Employer learns of a claim or benefits from the First Responder or otherwise,

the Employer is prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.

- Employers are required to treat any information they may learn about claims or benefits confidentially as they would treat mental health information associated with a group health plan or employee assistance program.
- Employers are required to designate an employee who is authorized to securely submit eligibility information about First Responders to the Program Administrators' eligibility portal. This information identifies which employees and volunteers meet the definition of First Responder and does not contain any information about claims or benefits.

PROTECTED INDIVIDUALLY IDENTIFIABLE INFORMATION MAINTAINED BY PROGRAM ADMINISTRATORS; USE AND SHARING

Eligibility Data: A designated representative of each Employer that offers the Program securely submits the following information to the eligibility portal twice a year: **first and last name, social security number, date of birth, type of First Responder (by statutory definition), and employed or volunteer status.** This information is used to ensure proper billing of premiums and is securely shared with MetLife to enable MetLife to validate identity and determine eligibility for benefits when First Responders submit claims. To comply with the Act's privacy requirements, MetLife will NOT check with the Employer to determine eligibility when a claim is made.

Information Provided by First Responder: If a First Responder contacts a Program Administrator with questions about the Program, the Program Administrator may collect individually identifiable information necessary to answer the questions or direct the First Responder to the right resource and otherwise communicate with the First Responder. This information may include name, phone number, email, employer, employment status, and other information shared by the First Responder. This information is used to answer the questions and may be shared with other Program Administrators or MetLife as appropriate for answering the question and for customer service purposes.

Information About First Responder Claims or Receipt of Benefits: Program Administrators do not have access to information about whether a First Responder has submitted a claim for benefits or has received benefits unless the First Responder shares that information with the Program Administrator(s). MetLife is prohibited from sharing individually identifiable information about claims and benefits with the Program Administrators without an express written authorization from the First Responder. However, Program Administrators may learn about claims or benefits from a First Responder or someone acting on behalf of the First Responder. Program Administrators may share this information with other Program Administrators and MetLife as they deem appropriate for the operation of the Program.

Reports that Do Not Include Direct Identifiers: Program Administrators may request reports from MetLife that show use of benefits for purposes of evaluating the Program. These reports will not contain names or other direct identifiers. However, the reports may contain information (such as type of First Responder and geographic location of employer) that could be used with other information to identify individuals. These reports will be used as the Program Administrators deem appropriate for the operation of the Program and may be shared among the Program Administrators and with MetLife. Reports that could reasonably be used to identify an individual shall not be shared except as required by law.

PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION

The Program Administrators and MetLife have privacy and information security policies and procedures and safeguards designed to ensure that individually identifiable information is protected from unauthorized access, misuse, and destruction. These controls are designed to meet a variety of applicable laws. For more information about MetLife's privacy practices, refer to the MetLife Privacy Notice posted on GFRPTSDInsurance.com.

A RESOLUTION TO ADD MEMBERSHIP IN A FUND OF GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA)

WHEREAS, the Public Entity of _____, located in _____ County, Georgia ("Public Entity") is a current member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the governing authority of Public Entity is currently a member of a GIRMA Fund and desires to add membership in an additional GIRMA Fund; and

WHEREAS, the governing authority of Public Entity has reviewed the Fund Election Form attached as Appendix A and the Application and Participation Agreement applicable to the Fund and finds that it is in the best interest of its residents for Public Entity to be a member of the Fund indicated on the Fund Election Form;

NOW THEREFORE BE IT RESOLVED by the governing authority of Public Entity:

1. The [Insert title of Chief Officer] of Public Entity is authorized to act on behalf of Public Entity to elect membership in the Fund identified in the Election Form attached as Appendix A by executing the the Application and Participation Agreement for such GIRMA Fund.
2. The [Insert title of Chief Officer] of Public Entity is designated as Public Entity's representative to GIRMA for purposes of Fund participation.
3. Public Entity may change its representative by making a written request to Georgia Municipal Association, Inc., the Program Administrator for GIRMA
4. This resolution shall be effective on the date of adoption.

Adopted this _____ day of 20 _____ [Name of Public Entity]_____

By: _____,

[Print Name of Person Authorized to Sign Resolutions, Title]

Attest: _____,

[Print Name of Person Authorized to Attest, Title]

APPENDIX A

**Georgia Interlocal Risk Management Agency (“GIRMA”) Fund C Election Form
for Existing GIRMA Members**

As stated in Section 6.1 of the Intergovernmental Contract, a GIRMA member must participate in at least one Fund established by the GIRMA Board of Trustees. The Intergovernmental Contract and GIRMA Bylaws apply to all GIRMA members, regardless of the Fund or Funds in which they participate. Terms and conditions specific to a Fund are set forth in the Coverage Description for the Fund.

This election form is for use by current GIRMA Members who wish to join GIRMA Fund C and thereby offer PTSD Benefits to eligible First Responders.

Fund C Application Information: GIRMA established Fund C on September 4, 2024. Fund C will provide fully- insured lump sum benefits and disability benefits for first responders entitled to such benefits under the Ashley Wilson Act. A coverage description for Fund C has been filed with the Georgia Department of Insurance and will be made available to Fund C members after approval of membership in Fund C by Georgia Municipal Association, Inc., the Program Administrator for GIRMA, and the insurance carrier.

To join Fund C, the governing body of the GIRMA Member must adopt a Resolution to Add Membership in a GIRMA Fund and the individual authorized to serve as the Public Entity’s primary contact for Fund participation must complete and sign the First Responder PTSD Application and Participation Agreement. Membership in Fund C is effective when the Application is approved by the Program Administrator and the carrier.