

**BOARD OF COUNTY COMMISSIONERS
JASPER COUNTY, GEORGIA
REGULAR MEETING AGENDA**

January 6, 2020

6:00 p.m.

**Commissioner's Meeting Room – Ground Floor Ste. 16
MONTICELLO, GEORGIA**

I. Call to Order (6:00 p.m.)

NAME	PRESENT	ABSENT	LATE	ARRIVED
DISTRICT 1 – CARL PENNAMON, CHAIR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 2 – BRUCE HENRY, VICE-CHAIR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 3 – DON JERNIGAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 4 – GERALD STUNKEL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 5 - DOUG LUKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Pledge of Allegiance –

III. Invocation – District 1

IV. Approval of Agenda

V. Consent Agenda –

1. Approval of Minutes:
 - Regular Meeting Minutes, December 2, 2019
 - Called Meeting Minutes, December 12, 2019
2. Check Register – Check #'s **56949 - 57249**

VI. Public Hearing

Public Hearings are conducted to allow public comments on specific advertised issues such as rezoning, ordinances, policy development and other legislative actions to be considered by the County Commissioners. Following the public hearing, the Board of Commissioners will take action on each item presented below.

1. Public Hearing: Hotel – Motel Tax for the Unincorporated Area

VII. County Commissioner Items

VIII. Presentations/Delegations –

Presentation/Delegations allows scheduled speakers to address the Commission for not more than ten (10) minutes on specific topics or for recognition of citizens, county employees or other events by the Commissioners.

IX. Regular Agenda

Appointments

1. Appointment of Chairman
2. Appointment of Vice-Chairman
3. Appointment of County Attorney
4. Appointment of County Clerk

Business:

1. New Ordinance for a Hotel – Motel Tax for the Unincorporated Area
2. Board of Assessors Board Appointments
3. 911 Authority Communications Status Update
4. Statewide Mutual Aid and Assistance Agreement
5. 911 Authority Board Appointment Advertisement
6. Development Authority of Jasper County Board Appointments Advertisement
7. Set Qualifying Fees for 2020 Elections
8. Resolution in Support of the Creation of the Jasper County Public Facilities Authority

X. County Attorney Items

XI. County Manager Update

XII. Citizen Comments

The Citizens Comments section of the Agenda allows citizens who sign up to address the Commission for not more than three (3) minutes on specific topics. The County Attorney will keep time. Please be courteous of the 3 minute time limit.

XIII. Executive Session

Consultation with County attorney to discuss pending or potential litigation as provided by O.C.G.A. §50-14-2(1); Discussion of the future acquisition of real estate as provided by O.C.G.A. §50-14-3(4); and, discussion on employment, compensation, or periodic evaluation of county employees as provided in O.C.G.A. § 50-14-3(6)

XIV. Adjournment

Consent Agenda – Item 1

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Approval of Minutes

Summary:

Minutes have been completed for the Jasper County Board of Commissioners:

- Regular Meeting Minutes, December 2, 2019
- Called Meeting Minutes, December 12, 2019

Background:

Cost: \$0

Recommended Motion:

Approve minutes for:

- Regular Meeting Minutes, December 2, 2019
- Called Meeting Minutes, December 12, 2019

Jasper County Board of Commissioners
December 2, 2019
Regular Meeting Minutes
6:00 P.M.

Comm. Pennamon called the meeting to order at 6:00 p.m.

Commissioners Present: Chairman, Carl Pennamon, Vice-Chairman, Bruce Henry, Don Jernigan, Gerald Stunkel, and Doug Luke.

Staff Present: Mike Benton, County Manager, Clerk, Sharon Robinson, Finance Director, Dennis Pate, and County Attorney, David Ozburn.

Pledge of Allegiance:

Invocation:

Reverend Jimmy Horton of Springfield Baptist Church

Agenda Approval:

Comm. Stunkel made motion to approve the agenda as presented, Commissioner Henry seconded; passed unanimously.

Consent Agenda:

Approval of Minutes:

Commissioner Jernigan made motion to approve the Minutes of November 4, 2019 as presented. Commissioner Stunkel seconded; passed unanimously.

Check Register:

Commissioner Luke made motion to approve the check register which included Check #'s 56716-56948 for payment, Commissioner Jernigan seconded; passed unanimously.

Public Hearing: Commissioner Luke motioned to open the Public Hearing at 6:05 p.m., Commissioner Stunkel seconded the motion, passed unanimously.

1. A public hearing was held for a County Ordinance for a Hotel-Motel Tax for the Unincorporated Area.

Mr. Benton stated that this is our first read for the Hotel-Motel Tax for unincorporated Jasper County. The summary states that "This ordinance will provide for a 5% tax of the rent for every occupancy of a guest room of a hotel, tourist cabin, camp ground or any other place including residences in which rooms, lodging or accommodations are furnished for value in the unincorporated area of Jasper County." The full document is 14 pages long.

Commissioner Henry questioned if someone is renting a house whether this tax would apply to them. Mr. Benton stated that the ordinance talks about the length of times so the rental of a house would be exempt. Commissioner Pennamon stated that this is the first reading, the second reading will be in

January. Mr. Benton stated that Section 17-16 has an effective date of January 1, 2020 that date will be updated.

Commissioner Luke motioned to come out of the Public Hearing. The motion was seconded by Commissioner Henry, passed unanimously.

Commissioner's Items:

Commissioner Jernigan- Commissioner Jernigan stated that we have several projects that are on hold. He stated that he feels there should be some work sessions scheduled to discuss the projects. The sheriff complex, Recreation building, the Public Works Workshop, the Courthouse repairs and a few other projects. We should discuss what's going to come first, how they will be financed, how many can be bundled together, etc.

Commissioner Henry – Commissioner Henry questioned if we had an update on Aikenton Road. Mr. Benton stated that he made a phone call to the contractor and he is waiting for the right temperature.

Commissioner Pennamon- Commissioner Pennamon stated that this weekend will be the Crossroads Event. He asked that all try to attend if possible.

Commissioner Stunkel- Commissioner Stunkel asked for an update on the E-911 radio phone situation. Mr. Benton stated that he does not have an update prepared but will get one prepared.

Commissioner Luke- Commissioner Luke stated that he believes we have some traction going but wanted to ask about Gaissert Road. He stated that he is aware that Mr. Preston Campbell has been in discussion about a culvert situation that has led to a pretty bad wash out. Mr. Benton stated that there is a schedule. Commissioner Luke stated that there will be postings that the road will be closed for the Pitts Chapel Road Bridge repair.

Presentations/Delegations:

None

Regular Agenda:

Old Business:

Item 1: Jasper County Recreation Board Appointment: Mr. Benton stated that we have a nine member board with one opening. This opening expires July 2020.

Michael Fleming- (367 Brookhollow Drive) - Mr. Fleming stated that he is new to the county, he has two kids that play with the Recreation department.

Sam Dyche- Not present

Derrick Bartlett- Stated that he has been a resident of Jasper County for about four years. He hears a lot of complaining. He stated that he is one of the parents that do a lot of complaining. He stated that he wants to see the department grow and want to help. Commissioner Luke asked Mr. Bartlett if he could change one thing about the Recreation Department what would it be. Mr. Bartlett stated that the facilities need updating. They don't have the right equipment.

Austin Sullivan- Mr. Sullivan stated that he graduated here in 2009. He stated that he agrees with Mr. Bartlett in that we need better equipment and facilities.

Rachelle Stanionis- Not present

Melvin Minter- Mr. Minter stated that he is a life-long resident of Jasper County. He stated he understands the needs for upgrades but we need more residents to participate.

Commissioner Luke ask the whole group of interested parties would they still be willing to help even if they are not chosen to fill the board position.

Commissioner Pennamon stated that all remain interested and that they relay their ideas to Mr. Roger Minter and the Board.

Commissioner Luke made the motion that the board appoint Michael Fleming to the Recreation Board for the completion of the term. Commissioner Stunkel seconded the motion, passed unanimously.

New Business:

Item 1: Proclamation: Declaring December 7, 2019 as “Centennial Farm and Family Day”:

Commissioner Pennamon ask Ms. Sharon Robinson to read the proclamation for the minutes.

Commissioner Luke motioned to proclaim December 7, 2019 as “Centennial Farm and Family Day” in Jasper County as presented. Commissioner Henry seconded the motion, passed unanimously.

Item 2: Annual Alcohol License Renewals for 2020:

- Application number 2019-A-001 - **Tyson’s Country Store**, located at 22044 Hwy 11 North. Name of applicant: Lisa Whitaker Wilkerson – Retail sales of beer and wine – Renewal – Commissioner Luke motioned to approve, Commissioner Jernigan seconded the motion, passed unanimously.
- Application number 2019-A-002 - **Lakeview Marina**, located at 8726 Jackson Lake Road Monticello, Ga 31064. Name of applicant: Shabanali Jabbarcheloei – Retail sales of beer and wine – Renewal- Commissioner Luke motioned to approve, Commissioner Henry seconded the motion, passed unanimously.
- Application number 2019-A-003 - **Lakeview Restaurant**, located at 8726 B Jackson Lake Road Monticello, Ga 31064. Name of applicant: Shabanali Jabbarcheloei – Pouring license for distilled spirits, beer, and wine. – Renewal- Commissioner Jernigan motioned to approve, Commissioner Luke seconded the motion, passed unanimously.
- Application number 2019-A-004 - **Frank’s Restaurant**, located at 11818 Hwy 212 West Covington, Ga 30014. Name of applicant: Vivian Castellana Fuller – Pouring license for distilled spirits, beer, and wine. – Renewal- Commissioner Henry motioned to approve, Commissioner Jernigan seconded the motion, passed unanimously.
- Application number 2019-A-005 - **Turtle Cove POA**, located at 222 Clubhouse Drive Monticello, Ga 31064. Name of applicant: Lucinda M. Bryant – Pouring license for distilled spirits, beer, and

wine. – Renewal- Commissioner Luke motioned to approve, Commissioner Henry seconded the motion, passed unanimously.

- Application number 2019-A-006 - **Convenience Stores, Inc dba Larry's 4 way**, located at 9160 Hwy 212 West Monticello, Ga 31064. Name of applicant: Joann Hedrick – Retail sales of beer and wine. – Renewal- Commissioner Luke motioned to approve, Commissioner Stunkel seconded the motion, passed unanimously.
- Application number 2019-A-007 - **Bear Creek Marina Restaurant**, located at 60 Bear Creek Marina Road Mansfield, Ga 30055. Name of Applicant: John Herman-Pouring License for Distilled Spirits, Beer and Wine. – Renewal- Commissioner Henry motioned to approve, Commissioner Jernigan seconded the motion, passed unanimously.

Item 3: Triple Point Engineering Landfill Compliance and Engineering Consulting Services:

Commissioner Luke motioned to authorize Chairman to sign the Triple Point Engineering Services Agreement, as presented, for compliance and engineering services at the Jasper County Municipal Solid Waste landfill and the Construction/Demolition/Industrial landfill for FY 2020. Commissioner Stunkel seconded the motion, passed unanimously.

Item 4: 2020 Proposed Holidays Approval:

Ms. Robinson noted the proposed 2020 Holidays for consideration:

New Year's Day Wednesday, January 1, 2020
Martin Luther King Day Monday, January 20, 2020
President's Day, Monday, February 17, 2020
Good Friday, Friday, April 10, 2020
Memorial Day Monday, May 25, 2020
Independence Day Friday, July 3, 2020
Labor Day Monday, September 7, 2020
Columbus Day Monday, October 12, 2020
Veterans Day Wednesday, November 11, 2020
Thanksgiving Day Thursday, November 26, 2020
Day after Thanksgiving Friday, November 27, 2020
Christmas Eve Thursday, December 24, 2020
Christmas Day Friday, December 25, 2020

Commissioner Jernigan motioned to approve the 2020 Proposed Holidays as presented. Commissioner Luke seconded the motion, passed unanimously.

Item 5: 2020 Board of Commissioner Meeting Dates Approval:

Ms. Robinson read the proposed 2020 Board of Commissioners meeting dates.

Monday, January 6th
Monday, February 3rd
Monday, March 2nd
Monday, April 6th
Monday, May 4th

Monday, June 1st
Monday, July 6th
Monday, August 3rd
Monday, September 14th
Monday, October 5th
Monday, November 2nd
Monday, December 7th

Commissioner Henry motioned to approve the 2020 Meeting Schedule as presented to start at 6 p.m. Commissioner Stunkel seconded the motion, passed unanimously.

County Attorney Items:

Attorney Ozburn requested an executive session.

County Manager Items:

Mr. Benton stated that new scoreboards at Recreation were ordered today (12/2).

Citizens Comments:

Gail Harrell- Mayor Pro Tem Elect- City of Monticello. Ms. Harrell stated that she is the new Mayor Pro-Tem elect and she wanted to have the opportunity for the Commissioners to put a name to the face. She stated that she is looking forward to the spirit of cooperation between the City of Monticello and Jasper County.

Executive Session:

Commissioner Luke motioned to go into Executive session at 6:42 pm to discuss real estate. Commissioner Stunkel seconded the motion, passed unanimously.

Commissioner Jernigan motioned to come out of Executive Session at 7:45 pm. Commissioner Luke seconded the motion, passed unanimously.

Adjourn:

Commissioner Stunkel motioned to adjourn the meeting at 7:45 pm. Commissioner Luke seconded the motion, passed unanimously.

Carl Pennamon, Chairman

Sharon Robinson, Clerk

Jasper County Board of Commissioners

December 12, 2019

Called Meeting Minutes

6:00 P.M.

Comm. Pennamon called the meeting to order at 6:00 p.m.

Commissioners Present: Chairman, Carl Pennamon, Vice-Chairman, Bruce Henry, Don Jernigan, and Gerald Stunkel. Doug Luke was absent.

Pledge of Allegiance:

Invocation: Commissioner Stunkel

Approval of Agenda: Commissioner Henry motioned to approve the agenda, adding #2 new business the discussion of the Georgia Pacific property. Commissioner Stunkel seconded the motion, passed unanimously.

Consent Agenda: None

Public Hearing: None

County Commissioner Items:

Commissioner Henry- Broughton Road at the railroad there is a hole in the center where they did not put asphalt. Aikenton Road needs more gravel and signage, it's worse than when we started. He asked if we could get board appointments as part of the HR report. He asked if there are work sessions in January can he know a few weeks out so that he does not book time away.

Presentation/Delegations: None

Regular Agenda:

Old Business: None

New Business:

Public Facilities Authority:

Commissioner Pennamon stated that the reason we are trying to create this is going back to the SPLOST funds so that we can get the bonds in order to move forward on those projects.

Attorney Ozburn stated that authorities are provided for in the state constitution. They are appointed by elected officials. Authorities are created to address specific needs.

Attorney Ozburn stated that an Authority is created by an action that is created by the general assembly. The first local legislative delegation must request to formally have the authority created. The sponsor of the bill must file in the legal organ of the county an advertisement and intent to pass local legislation. It then have to proceed to the same steps as other bills go through in the general assembly. The local legislation makes up the board and decides which projects will take place. A Public Facilities Authority is more focused on capital projects, buildings, and infrastructure, and things like that. One of the challenges of local government is long term planning and budgeting. You cannot bind the county for more than one year at a time. There is an exception in the Georgia law that allows intergovernmental contracts to be done up to 50-year terms. That is the advantage of having an authority. The authority is not constrained by the annual basis. The county can enter to an agreement with the authority to work with the authority in having longer time for bigger projects. Capital assets have to be planned out for multiple years. City and county were in situations where they were renting from private entities, corporations or people. With the authority they could stay within public entities and funds are more controlled.

Chairman Pennamon stated that he thinks we need to authorize the county attorney to request our state legislature to look into drawing up and establishing legislation.

Commissioner Jernigan made a motion to authorize the county attorney to take the first step in moving forward to create a Public Facilities Authority. Commissioner Stunkel seconded the motion, passed unanimously.

Georgia Pacific Property:

Mr. David Dyer of the Jasper County Development Authority spoke about the Georgia Pacific property on Highway 83. Mr. Dyer stated that Jasper County Development Authority has been working on acquiring the GP property for about five years. The closure of the MDF plant changed their focus significantly. He stated that there are approximately 500,000 square feet under roof on the property. All of the major required infrastructure is already in place. A significant amount of rolling will be at our disposal.

Mr. Dyer noted there are currently two perspective lessees which have more than expressed interest in the property with mutual satisfactory leases. They intend to move in shortly after the first of the year or after GP completely vacates the property. He stated that the appropriate non-disclosures are being signed with GP realty. Appraisals have been done. Georgia Pacific is waiting for the Development Authority of Jasper County to have the appropriate approval to

move forward, whether by intergovernmental agreement or resolution with that authorization. Once that is done they will move forward with a purchase agreement.

Chairman Pennamon ask Mr. Dyer if what he needed from the board was their approval and support in moving forward. He stated that he suggest that the board authorize Mr. Dyer to move forward.

Mr. Benton clarified that this would be a non-binding resolution.

Commissioner Stunkel made a motion to authorize the chairman to sign the resolution for Mr. Dyer to be our agent of record for negotiating in good faith with Georgia Pacific and any resulting contracts would have to come back to the board for final approval before consummation. Commissioner Jernigan seconded the motion. The motion was passed unanimously.

Commissioner Henry asked if the decision would have to be unanimous.

Attorney Ozburn stated that it needs to be approved by majority.

Adjourn:

Commissioner Henry motioned to adjourn at 6:40 p.m. The motion was seconded by Commissioner Stunkel, passed unanimously.

Carl Pennamon, Chairman

Sharon S. Robinson, Clerk

Consent Agenda – Item 2:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Approval of Check Register

Summary:

A check register will be generated by the finance department on meeting day for signature and approval to process the checks.

Background:

Cost: \$0

Recommended Motion:

Approve processing of check #'s 56949 - 57249

Public Hearing:

Department: Jasper County BOC

Date: January 6, 2020

Subject: Second Read – County Ordinance for a Hotel – Motel Tax for the Unincorporated Area of Jasper County

Summary:

The ordinance will provide for a 5% tax of the rent for every occupancy of a guest room in a hotel, tourist camp, tourist cabin, campground, or any other place, including residences, in which rooms, lodgings, or accommodations are furnished for value in the unincorporated area of Jasper County.

The proceeds of the lodging tax will be used in accordance with O.C.G.A. 48-13-51(a)(3).

Eligible expenditures include:

- (A) Promoting tourism, conventions, and trade shows;
- (B) Supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;
- (C) Supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;
- (D) Supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;
- (E) Supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended, and if such facility was substantially completed and in operation prior to December 31, 1993; or
- (F) For some combination of such purposes.

DRAFT - ORDINANCE TO PROVIDE FOR THE COLLECTION
OF A HOTEL-MOTEL TAX

Secs17.1 – 17.17

CHAPTER 17 - LODGING TAX

17-1 - Definitions.

The following words, terms and phrases shall, for the purposes of this Ordinance and except where the context clearly indicates a different meaning, be defined as follows:

- a) "Person." An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, non-profit corporation or cooperative non-profit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the County is without power to impose the tax herein provided.
- b) "Operator." Any person operating a hotel in the unincorporated area of Jasper County, including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, lender in possession, license to or any other person otherwise operating such hotel. In addition to the foregoing, for purposes of this Ordinance the owner of a residence that provides accommodations for rent or the agent of the owner is also considered an "operator".
- c) "Occupant." Any person who, for a consideration, uses, possesses, or has the right to use or possess any guest room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- d) "Occupancy." The use or possession, or the right to the use or possession, of any guest room in a hotel. Occupancy also means the right to the use or possession of the furnishings or to the services or accommodations accompanying the use and possession of the room.
- e) "Hotel." Any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor club, or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other buildings in which human beings are housed and detained

under legal restraint. In addition to the foregoing, for purposes of this Ordinance only, a residence in which accommodations are furnished for rent is also considered a "hotel".

- f) "Guest Room." A room, lodging, or accommodation occupied, or intended, arranged, or designed for occupancy, by one or more occupants, other than meeting rooms, intended, designed and use for such purpose. In addition to the foregoing, for purposes of this Ordinance only, a residence in which accommodations are furnished for rent is considered one (1) "guest room".
- g) "Rent." The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.
- h) "Return." Any return filed or required to be filed as herein provided.
- i) "Finance Director." The Finance Director appointed by the Board of Commissioners of Jasper County, Georgia.
- j) "County." Jasper County, a political subdivision of the State of Georgia.
- k) "Tax." The tax imposed by this Ordinance.
- l) "Monthly Period." The calendar months of any year.

17-2- Imposition and Rate of Tax.

There is hereby levied and assessed, and there shall be paid a tax of five percent (5%) of the rent for every occupancy of a guest room in a hotel, tourist camp, tourist cabin, campground, or any other place, including residences, in which rooms, lodgings, or accommodations are furnished for value in the unincorporated area of Jasper County.

The tax imposed by this Ordinance shall be paid upon any occupancy on and after January 1, 2020 although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid, or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period from July 7, 1987, and any monthly period thereafter.

The proceeds of the lodging tax will be used in accordance with O.C.G.A. § 48-13-51(a)(3).

17-3 - Persons Liable for Tax; Extinguishment of Liability.

Every person occupying a guest room in a hotel in the unincorporated area of Jasper County is liable for the tax. His liability is not extinguished until the tax has been paid to this County except that a receipt from an operator naming a place of business in this County or from an operator who is authorized by the Finance Director under such rules and regulations as he may prescribe, to collect the tax and who is, for the purposes of this Ordinance, regarded as an operator maintaining a place of business in the unincorporated area of Jasper County, which receipt is given to the occupancy pursuant to Section 17-4 hereof, is sufficient to relieve the occupancy from further liability for the tax to which the receipt refers.

17-4 - Collection of Tax by Operator; Receipt to Occupant; Rules for Collection Schedules.

Every operator maintaining a place of business in the unincorporated area of Jasper County, as provided in the next preceding section, and renting guest rooms in the unincorporated area of Jasper County, not exempted under Section 17-6 of this Ordinance shall, at the time of collecting rent from the occupant and on demand shall give to the occupant a receipt therefor. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred in accordance therewith, and the operator shall be liable therefor at the time and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The Finance Director shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

17-5- Unlawful Advertising Regarding Tax.

It is unlawful for any operator to advertise or hold out or state to the public or to any guest directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rental of the guest room, or that, if added, it or any part thereof, will be refunded.

17-6- Exemptions.

No tax shall be imposed hereunder:

- a. Upon fees, rents, or charges made for continuous use of any guest rooms, lodgings, or accommodations after the first 30 days of continuous occupancy.
- b. Upon the fees or charges for any guest rooms, lodging or accommodations furnished for a period of one or more days for use by Georgia state or local government officials or employees when traveling on official business.
- c. Upon charges made for any guest rooms, lodgings, or accommodations provided to any persons who certify by affidavit that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty.

17-7 - Registration of Operator; Form and Contents; Execution; Certificate of Authority.

Every person engaging or about to engage in business as an operator of a hotel in the unincorporated area of Jasper County shall immediately register with the Finance Director of the County, on a form provided by the Finance Director. Persons engaged in such business must so register not later than fifteen (15) days after the date this Ordinance becomes effective and the tax is imposed as set forth in Section 17-2, but such privilege of registration after the imposition of such tax shall not relieve any person from the obligation of payment or collection of tax on and after the date of imposition thereof, regardless of registration. Such registration shall set forth the same name under which such person transacts business or intends to transact business, the location of his place or places of business and such other information which would facilitate the collection of the tax as the Finance Director may require. The registration shall be signed

by the owner if a natural person; in case of ownership by an association or partnership, by a member or partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The Finance Director shall, after such registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state name and location of the business to which it is applicable and shall prominently display therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be returned immediately to the Finance Director upon the cessation of business at said location. Should the Finance Director deem it necessary, in order to facilitate initial registration hereunder of persons engaged in business, or prior to the date of imposition of tax as set forth therefor, other than those provided in this section. Such provisions shall be made to effect the purposes hereof.

17-8

- Determination, Returns and Payments.

- a. Due Date of Taxes. The tax imposed by this Ordinance shall become due and payable from the occupant at the time of occupancy of any Hotel in the unincorporated area of Jasper County. All amount of such taxes collected by any operator shall be due and payable to the Finance Director monthly on or before the twentieth day of every month next succeeding such respective monthly period as set forth in Subsection (b).
- b. Return; Time of Filing; Persons Required to File; Execution. On or before the twentieth day of the month following each monthly period shall be filed with the Finance Director in such form as Finance Director may prescribe, by every operator, liable for the payment of tax hereunder. For purposes of this section, a return shall be deemed filed if postmarked on the twentieth day, or, if the twentieth day falls upon a Holiday recognized by the State of Georgia or upon a Saturday or Sunday, then a return postmarked on the next business day shall be regarded as timely filed.
- c. Contents of Return. All returns shall show the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the Finance Director.

- d. Delivery of Return and Remittance. The person required to file the return shall deliver the return, together with the remittance of the Net Amount of Tax Due to the Finance Department at 126 W. Greene Street, Suite 18, Monticello, Georgia 31064.
- e. Collection Fee Allowed Operators. Operators collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if said amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions as provided in O.C.G.A. § 48-13-52, as now or hereafter amended.

17-9 - Deficiency Determinations.

- a. Recomputation of Tax; Authority to Make; Basis of Recomputation. If the Finance Director is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the County by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more than one Deficiency Determinations may be made of the amount due for one or more than one monthly period.
- b. Interest on Deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof from the twentieth day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
- c. Offsetting of Overpayments. In making a determination the Finance Director may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in Section 17-10.
- d. Penalty; Negligence or Disregard of Rules and Regulations. Reserved.

- e. Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provisions of this Ordinance or other authorized rules and regulations, a penalty of fifty percent (50%) of the total amount of taxes due, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this Ordinance.
- f. Notice of Finance Director's Determination; Service of. The Finance Director, or his designated representative, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his address as it appears in the records of the Finance Director. In case of service by mail of any notice required by this Ordinance, the service is complete at the time of deposit in the United States Post Office.
- g. Time Within Which Notice of Deficiency Determination to be Mailed. Except in the case of fraud, intent to evade this Ordinance or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

17-10- Determination if No Return Made.

- a. Estimate of Gross Receipts. If any person fails to make a return, the Finance Director shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in the unincorporated area of Jasper County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come to the possession of the Finance Director. Upon the basis of this estimate the Finance Director shall compute and determine the amount required to be paid the County, adding to the sum thus determined any applicable penalties. One or more determinations may be made for one or for more than one period.

- b. Manner of Computation; Offsets; Interest. In making a determination the Finance Director may offset overpayments for a period or penalties, and against the interest on the under payments. The interest on under payments shall be computed in the manner set forth in Section 17-9.
- c. Interest on Amount Found Due. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent (1%) per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.
- d. Penalty for Fraud or Intent to Evade. If the failure of any person to file a return is due to fraud or an intent to evade this Ordinance or rules and regulations, a penalty of fifty percent (50%) of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the other penalties provided in this Ordinance.
- e. Giving of Notice; Manner of Service. Promptly after making his determination, the Finance Director shall give the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

17-11 - Penalties and Interest for Failure to Pay Tax.

- a. When any operator fails to make any return or to pay the full amount of the tax imposed by this Ordinance, a penalty shall be added to the tax in the amount of five percent (5%) or \$5.00, whichever is greater, if the failure is for not more than 30 days. An additional penalty of five percent (5%) or \$5.00, whichever is greater, shall be added for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation under this Section shall not exceed 25 percent (25%) or \$25.00 in the aggregate, whichever is greater. The penalty imposed herein shall be in addition to the tax, any other penalties, and interest on the unpaid tax as set forth in this Ordinance.
- b. The amount of the unpaid tax, exclusive of penalties, shall bear interest at the rate of one percent (1%) per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

17-12 Collection of Tax.

- a. Security, the Finance Director May Exact; Amount; Sale Of; Notice of Sale; Return of Surplus. The Finance Director whenever he deems it necessary to insure compliance with this Ordinance, may require any person subject thereto to deposit with him such security as the Finance Director may determine. The amount of the security shall be fixed by the Finance Director but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the Finance Director deems proper, or five thousand dollars (\$5,000.00), whichever amount is the

lesser.

The amount of the security may be increased by the Finance Director subject to the limitations herein provided. The Finance Director may sell the security at public auction, with the approval of the Board of Commissioners if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the Finance Director. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

- b. Action for Tax; Time for. At any time within three (3) years after any tax or amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the Finance Director may bring action in the courts of this State, or any other State, or of the United States in the name of the County to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. The bringing of such an action shall not be a prerequisite for the issuance of a fi. fa. under the provisions of subsection (g) hereof.
- c. Duty of Successors or Assignees of Operator to Withhold Tax from Purchase Money. If any operator liable for any amount under this Ordinance sells out his business or quits the business, his successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the Finance Director showing that he has been paid or a certificate stating that no amount is due.
- d. Liability for Failure to Withhold; Certificate of Notice of Amount Due; Time to Enforce Successor's Liability. If the purchaser of a business fails to withhold purchase price as required in subsection (c), the purchaser shall become personally liable for the payment of the unpaid taxes. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the Finance Director shall either issue the certificate or mail notice to the purchaser at the address as it appears on the records of the Finance Director of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs the later. Any purchaser that fails to withhold from the purchase price the amount of unpaid taxes or fails to pay any amount of such tax for which it becomes liable as a result of said purchase shall not be permitted to obtain an occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.
- e. Tax Credit, Penalty or Interest Paid More than Once or Erroneously or Illegally Collected. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by

the County under this Ordinance, it may be offset as provided in Section 17-9. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the Finance Director he will have three (3) years from date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited by the Jasper County Finance Department. If the claim is approved by the Finance Director, the excess amount paid the County may be credited on any amounts then due and payable from, the person by whom it was paid, or his administrators or executors.

- f. Lien for Taxes. The lien of taxes collectible under the provisions of this Ordinance shall date from January 1 of the year in which the taxes become due, and the lien of such taxes shall be a special lien on the property upon which the same are due and a general lien against all property of the taxpayer owing same.
- g. County Administrator authorized to issue fieri facias. The Jasper County Administrator is hereby authorized to issue a fieri facias (fi. fa.) for execution and levy to satisfy the amount of any tax, penalty, or interest due but not paid under the provisions of this Ordinance.
- h. Eligibility for occupational tax and/or alcoholic beverage license. Any person who fails to pay the tax imposed herein to the County or fails to pay any amount of such tax required to be collected and paid to the County shall not be permitted to obtain or renew their occupation tax certificate or alcoholic beverage license until all such taxes, including all penalties and interest, have been paid in full.

17-13 Administrator of Ordinance.

- a. Authority of Finance Director. The Finance Director shall administer and enforce the provisions of this Ordinance for the levy and collection of the tax imposed by this Ordinance.
- b. Rules and Regulations. The Finance Director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with the Ordinance, other laws or ordinances of Jasper County and the State of Georgia, or the constitution of this State or the United States for the administrator and enforcement of the provisions of this Ordinance and the collection of the taxes hereunder.
- c. Records Required from Operators, etc., Form. Every operator renting guest rooms in the unincorporated area of Jasper County to a person shall keep such records, receipts, invoices, and other pertinent papers in such form as the Finance Director may require.

- d. Examination of Records; Audits. The Finance Director or any person authorized in writing by the Finance Director may examine the books, papers, records, financial reports, equipment and other facilities of any operator renting guest rooms to a person and any operator liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

- e. Authority to Require Reports; Contents. In administering the provisions of this Ordinance, the Finance Director may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to rentals of guest rooms which are subject to the tax. The reports shall be filed with the Finance Director when required by the Finance Director and shall set forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the Finance Director may require.

- f. Disclosure of Business of Operators, etc., Limitation on Rule. The Finance Director or any person having an administrative duty under this Ordinance shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this Ordinance, except in case of Judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed, or as required by the Georgia Open Records Act. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

17-14 Severability.

If any section, subsection, sentence, clause, phrase or a portion of

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

17-15 Violations.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in Section 1-11 of the Code of Ordinances of Jasper County. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by such person, and shall be punished accordingly.

Any operator or other person who fails to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Finance Director or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report, with intent to defeat or evade the termination of an amount due required by this Ordinance to be made shall be deemed guilty of an offense and upon convictions thereof shall be punished as aforesaid.

17-16 Effective Date.

This Ordinance shall become effective upon the 1st day of January, 2020. Amendments to this Ordinance shall become effective upon the date specified by the Jasper County Board of Commissioners when said amendment is adopted.

17-17 Repealer Clause.

All ordinances or parts of ordinances in conflict with this Ordinance, and not preserved hereby, are hereby repealed.

Appointments – Item 1

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Appointment of Chairman

Summary:

The County Charter states in Section 1 C that: *the board of commissioners shall, at its first meeting in January, elect a chairman from among its membership to serve for a one year term.*

Background:

Same as Above

Cost: None

Recommended Motion:

Appoint a Chairman by receiving sufficient votes.

Appointments – Item 2

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Appointment of Vice-Chairman

Summary:

The County Charter states in Section 1 C that: *the board of commissioners shall, at its first meeting in January, elect a vice-chairman from among its membership to serve for a one year term.*

Background:

Same as Above

Cost: None

Recommended Motion:

Appoint a Vice-Chairman by receiving sufficient votes.

Appointments – Item 3

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Appointment of County Attorney

Summary:

The County Attorney Appointment is done at the first meeting each year for the attorney to serve for a one year term. Staff recommends appointing David Ozburn as County Attorney.

Background:

Same as Above

Cost: None

Recommended Motion:

Appoint a County Attorney by receiving sufficient votes.

Appointments – Item 4

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Appointment of County Clerk

Summary:

The Board of Commissioners needs to make a designation of County Clerk to serve for a one year term.

Staff recommends appointing Sharon Robinson as County Clerk.

Background:

Same as Above

Cost:

Recommended Motion:

Approve the County Clerk by receiving sufficient votes.

Business Item – 1:
Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: New Ordinance – Hotel – Motel Tax for the Unincorporated Area

Summary:

The ordinance would provide for a 5% tax of the rent for every occupancy of a guest room in a hotel, tourist camp, tourist cabin, campground, or any other place, including residences, in which rooms, lodgings, or accommodations are furnished for value in the unincorporated area of Jasper County.

The proceeds of the lodging tax will be used in accordance with O.C.G.A. 48-13-51(a)(3).

The effective date needs to be specified.

BOC Staff recommends the effective date to be set at no earlier than July 1, 2020.

Background:

The Official Code of Georgia O.C.G.A. 48-13-51 provides for a county or municipality to levy a lodging tax at a rate of 5%. The county or municipality must expend the revenue received according to O.C.G.A. 48-13-51.

Eligible expenditures include:

- (A) Promoting tourism, conventions, and trade shows;
- (B) Supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes;
- (C) Supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987;
- (D) Supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds;
- (E) Supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended, and if such facility was substantially completed and in operation prior to December 31, 1993; or
- (F) For some combination of such purposes.

Cost:

No additional cost at this time

Recommended Motion: Approve Adoption of a Lodging Tax Ordinance as described in Sections 17.1 through 17.17 as presented with One Change as to the Effective Date.

Business Item – 2:

Agenda Request – Jasper County BOC

Department: Assessors

Date: January 6, 2020

Subject: Board of Assessors Board Appointment

Summary:

Jim Stansell's term ends on 1/3/20 (position 1)

Karen Breeding's term ends on 1/17/20 (position 2)

Both positions serve three year terms.

Background:

Both members have served for multiple terms and completed their foundation classes. An ad has been run in the paper for these positions for two weeks. The deadline was November 22nd.

Applications will be forwarded after that date.

Cost: none

Recommended Motion:

Review submitted applications

From: Lionel Taylor <ltaylor@jasper.k12.ga.us>
Sent: Friday, November 08, 2019 11:48 AM
To: lbentley.jaspercountyga.org
Subject: Re: Board of Assesors

My name is Lionel Taylor. I have been a High School government/economics teacher at Jasper County High School for the past 15 years and a resident of Monticello for the past 6 years. I am currently working on my PhD. in HHistory through Georgia State University. I would like to be on the Board of Assesors because I would like to have a greater role in my community as well as give me greater insight into the functioning of local government that I can use when I teach my students. Thank you for your consideration.

Lionel Taylor
129 Bonner Street
Monticello GA, 31064
(706) 270-4363

On Thu, Nov 7, 2019 at 1:27 PM Lionel Taylor <ltaylor@jasper.k12.ga.us> wrote:

Hello I am a citizen of Monticello and a teacher at the High School. I would be interested in serving on the Board. What would I need to do to apply?

Lionel Taylor
129 Bonner Street
Monticello GA, 31064

From: Karen Breeding <karenbreeding99@yahoo.com>
Sent: Thursday, November 07, 2019 7:20 PM
To: lbentley.jaspercountyga.org
Subject: Board of Assessors appointment for 2020

Lynn,

I would like to be considered to continue as a member of the Jasper County Board of Assessors for the expiring position starting in January, 2020.

Please confirm receipt of my email to continue on the Board. Please let me know if you need any additional information.

Thank you,

Karen Breeding

lbentley.jaspercountyga.org

From: Jim Stansell <lakeside8946@yahoo.com>
Sent: Wednesday, October 23, 2019 1:55 PM
To: lbentley.jaspercountyga.org
Subject: letter of intent

Please consider this as my letter of intent to serve on the Jasper County Board of Tax Assessors for the upcoming term. I appreciate the opportunity to work with you and the other board members.

Sincerely,

Jim Stansell

From: [Stone Workman](#)
To: [Sharon Robinson](#)
Subject: Appointment
Date: Thursday, November 21, 2019 10:03:59 AM

Ms. Robinson:

I am willing to serve on the Jasper County Board of Assessors. I have a Masters in Public Administration (Dec 2019) and over 25 years experience in local, state and federal government.

Please let me know how this procedure works.

Thank you,
Stone Workman

Sent from my iPhone

Business Item – 3:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: 911 Authority Communications Status Update

Summary:

Betty Jump, 911 Director, will provide a status update regarding Public Safety Communications.

Background:

The Jasper County Joint 911 Authority operates the 911 Center that handles communications between all County Public Safety Operations.

Cost:

None

Recommended Motion:

Board Discretion

Business Item – 4:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Statewide Mutual Aid and Assistance Agreement

Summary:

The Statewide Mutual Aid Agreement allows Jasper County to request resources from other county or state agencies during an emergency or disaster. It also allows Jasper to assist other areas during emergencies or disasters.

Without this agreement, FEMA reimbursement cannot be used to reimburse other counties for their resources that Jasper County has requested or allow Jasper County to be reimbursed for assisting another jurisdiction.

Background:

This agreement has been in place and extended for the last 18 years.
The current mutual aid agreement expires March 1, 2020.

The new agreement would expire March 1, 2024.

Cost:

None

Recommended Motion:

Approve Jasper County to participate in the Statewide Mutual Aid and Assistance Program and authorize required signatures to execute the Statewide Mutual Aid and Assistance Agreement extending the agreement until March 1, 2024.

STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT

County/Municipality: Jasper

The State of Georgia is vulnerable to a wide range of natural and man-made disasters and emergencies. The Georgia Emergency Management Act, as amended (The Act) gives the local governments of the State the authority to make agreements for mutual aid assistance in emergencies. Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and the reimbursement of costs incurred by those parties who render such assistance.

This mutual aid agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated.

ARTICLE I STATEMENT OF AGREEMENT, DEFINITIONS AND AUTHORITIES

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this Agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management and Homeland Security Agency (GEMA/HS). For purposes of this Agreement, the following terms and expressions shall apply:

- (1) "Agreement" means this agreement, generally referred to as the "Statewide Mutual Aid Agreement" (SWMAA).
- (2) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.
- (3) "Assisting Party" means a party that provides assistance pursuant to this Agreement during an emergency or disaster.
- (4) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide mutual aid assistance.
- (5) "Participating Party" means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement.
- (6) "Participating Parties" means the combination of counties and municipalities that have become parties to this Agreement by their approval and execution of this Agreement.
- (7) "Requesting Party" means a party that requests assistance pursuant to this Agreement during an emergency or disaster.

Any term or expression not defined in this Agreement shall have the meaning specified in the Georgia Emergency Management Act, as amended (the Act) and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE II
GENERAL PURPOSE

The purpose of this Agreement is to:

1. Provide the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity; and
2. Identify those persons who are authorized to act on behalf of the Participating Party signing this Agreement as their Authorized Representative(s) concerning the provision of mutual aid resources and requests for mutual aid resources related to any mutual aid assistance sought from another Participating Party, or from or through the State of Georgia. Appendix A of this Agreement shall contain the name(s) of the Participating Party's Authorized Representative for purposes of this Agreement. Appendix A can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix A shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

ARTICLE III
ACKNOWLEDGEMENT OF PRINCIPLES

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people shall be the underlying principle on which all articles of this Agreement shall be understood.

In the event of a conflict between any provision of this Agreement and any existing intrastate mutual aid agreement affecting a Participating Party, the provisions of this Agreement shall be controlling.

On behalf of the governing authority of each political subdivision of this State participating in the Agreement, the director of emergency management of such political subdivision will be responsible for formulation of the appropriate mutual aid plans and procedures necessary to implement this Agreement.

ARTICLE IV
PARTICIPATING PARTY RESPONSIBILITIES

(a) It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:

- (1) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material; and

(2) Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.

(b) Whenever a Participating Party requires mutual aid assistance from another Participating Party and/or the State of Georgia, the Requesting Party may request assistance by:

(1) Contacting the Participating Party who is the owner/operator/employer of the supplies, equipment and/or personnel being sought for mutual aid assistance (the Assisting Party); or

(2) Contacting GEMA/HS to serve as the facilitator of such request for those resources being sought for mutual aid that are owned/operated/employed by Participating Parties (where such Participating Parties have submitted a record of those resources to GEMA/HS for such use); and/or, when such resources being sought for mutual aid are owned/operated/employed directly by the State of Georgia.

The provisions of this Agreement shall only apply to requests for assistance made by an Authorized Representative. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, damage assessment, volunteer and donated goods and search and rescue; and

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time each will be needed; and

(3) The specific place and time for staging of the Assisting Party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

ARTICLE V LIMITATIONS

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the terms hereof; provided that it is understood that the Participating Party who is asked to render aid may withhold resources to the extent necessary to meet the current or anticipated needs of the Participating Party's own political subdivision to remain in compliance with such Participating Party's policy, rule or law.

The Assisting Party's mutual aid resources will continue under the command and control of their own

supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

In the event the Governor should declare a State of Emergency, any and all provisions of this Agreement which may conflict with the declared State of Emergency shall be superseded by the terms and conditions contained within the State of Emergency.

ARTICLE VI LIABILITY AND IMMUNITY

(a) In accordance with O.C.G.A. § 38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.

(b) In accordance with O.C.G.A. § 38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.

(c) It is the express intent of the parties that the immunities specified in accordance with O.C.G.A. § 38-3-35 shall apply in addition to any other immunity provided by statute or case law.

ARTICLE VII RIGHTS AND PRIVILEGES

In accordance with O.C.G.A. § 38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

ARTICLE VIII REIMBURSEMENT

In accordance with O.C.G.A. § 38-3-30(b), The Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of

the claim under oath is served by mail or otherwise upon the designated fiscal officer of the Requesting Party. Appendix B of this Agreement shall contain the name(s) of the Participating Party's designated fiscal officer for purposes of this Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix B shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid, as well as the actual travel and per diem expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.

Expenses to be reimbursed by the Requesting Party shall include the following:

- (1) Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the Georgia Workers Compensation Act; and
- (2) Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced; and
- (3) Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party; and
- (4) Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this Agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices within 60 days for reimbursement as specified hereinabove and the Requesting Party shall pay the invoice no later than 30 days following the invoice date.

ARTICLE IX IMPLEMENTATION

This Agreement shall become operative immediately upon its approval and execution by GEMA/HS and any two political subdivisions of this State; thereafter, this Agreement shall become effective as to any other political subdivision of this State upon its approval and execution by such political subdivision.

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.

Copies of this Agreement shall, at the time of their approval, be deposited with each of the respective Participating Parties and with GEMA/HS.

ARTICLE X
TERM OF AGREEMENT

This Agreement, once executed, is valid until March 1, 2024. Agreement of the Participating Parties to extend the term of this agreement at any time during the last year of its original term or the last year of any subsequent four-year term shall extend the term of this agreement for four years. Each four-year extension shall constitute a separate agreement.

ARTICLE XI
VALIDITY

If any provision of this Agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

Chief Executive Officer - Signature

Chairman Carl Pennamon

Chief Executive Officer – Print Name

County/Municipality: Jasper County BOC

Date: 01 / 06 / 2020

GEMA/HS Director – Signature

GEMA/HS Director – Print Name

Date: _____ / _____ / _____

APPENDIX A
AUTHORIZED REPRESENTATIVE

The below named individual(s), in addition to the chief executive officer, is/are the “Authorized Representative(s)” for Jasper (county/municipality), and are authorized to request, offer, or otherwise provide and coordinate mutual aid assistance on behalf of the above-named county/municipality:

<u>Betty Jump</u> Print Name	<u>EMA/911 Director</u> Job Title/Position
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Signature of Above Individual

<u>Donnie Pope</u> Print Name	<u>Sheriff</u> Job Title/Position
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Signature of Above Individual

<u>Christopher Finch</u> Print Name	<u>Fire Rescue Chief</u> Job Title/Position
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Signature of Above Individual

Chief Executive Officer –Signature

Date: 01/ 06/ 2020

Chairman Carl Pennamon

Chief Executive Officer – Print Name

APPENDIX B
DESIGNATED FISCAL OFFICER(S)

The below named individual(s) is/are the “designated fiscal officer(s)” for Jasper

(county/municipality) for the purpose of reimbursement sought for mutual aid:

<u>Mike Benton</u> Print Name	<u>County Manager</u> Job Title/Position
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Signature of Above Individual

<u>Dennis Pate</u> Print Name	<u>Finance Manager</u> Job Title/Position
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Signature of Above Individual

<u>Sharon Robinson</u> Print Name	<u>County Clerk</u> Job Title/Position
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Signature of Above Individual

Date: 01 / 06 / 2020

Chief Executive Officer - Signature

Chairman Carl Pennamon

Chief Executive Officer – Print Name

Business – Item 5:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: 911 Authority Board Appointment Advertisement

Summary:

Staff is seeking approval to advertise for interested persons to serve on the 911 Authority Board.

Background:

The 911 Authority has one open position that needs to be filled.

Cost:

None

Recommended Motion:

Authorize Staff to advertise the open position for the 911 Authority Board.

Business – Item 6:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Development Authority of Jasper County Board Appointments Advertisement

Summary:

Staff is seeking approval to advertise for interested persons to serve on the Development Authority of Jasper County Board.

Background:

The Development Authority of Jasper County has seven (7) expired positions that need to be appointed. Persons in these positions serve until a new appointment is made by the Board of Commissioners.

Cost:
None

Recommended Motion:

Authorize Staff to advertise the open appointment positions for the Development Authority of Jasper County Board.

Business – Item 7

Agenda Request – Jasper County BOC

Department: Election

Date: January 6, 2020

Subject: Set Qualifying Fees for 2020 Elections

Summary:

Public Notice stating the Qualifying Fees and the Election Dates need to be published prior to February 1st, 2020 to be pursuant to O.C.G.A §21-2-131(a)(1).

Background:

Fees as adopted:

Office	Fee
Sheriff	\$1,616.40
Clerk of Superior Court	\$1,392.25
Tax Commissioner	\$1,392.25
Probate Judge	\$1,392.25
Chief Magistrate	\$1,392.25
County Commissioner	\$ 216.00
Board of Education	\$ 108.00
Coroner	\$ 72.00
Surveyor	\$ 10.00

Qualifying Dates:

March 2, 2020 at 9:00 A.M. – March 6, 2020 at 12:00 Noon

Election dates for 2020 County Elections established as follows:

2020 General Primary – May 19, 2020

2020 General Election – November 3, 2020

Cost: None

Recommended Motion:

Approve Resolution #2020-01-06 (1) setting the Qualifying Fee Schedule for advertisement prior to February 1, 2020.

Resolution #2020-01-06 (1)

Whereas, O.C.G.A §21-2-131(a)(1) requires Qualifying Fees and Election dates need to be established by the Board of County Commissioners and published prior to February 1, 2020, and

Whereas, the Board of County Commissioners seeks to be in full compliance with laws and codes of the State of Georgia.

Now therefore, be it resolved by the Jasper County Board of Commissioners that:

1. The qualifying fees for elected office for the year of 2020 within Jasper County are hereby established as follows:

Office	Fee
Sheriff	\$1,616.40
Clerk of Superior Court	\$1,392.25
Tax Commissioner	\$1,392.25
Probate Judge	\$1,392.25
Chief Magistrate	\$ 1,392.25
County Commissioner	\$ 216.00
Board of Education	\$ 108.00
Coroner	\$ 72.00
Surveyor	\$ 10.00

Qualifying Dates:

March 2, 2020 at 9:00 A.M. – March 6, 2020 at 12:00 Noon

2. Election dates for 2020 County Elections established as follows:

2020 Primary – May 19, 2020
2020 General Election – November 3, 2020

Passed in the regular session of Jasper County Board of Commissioners January 6, 2020.

Chairman

Attest:

County Manager

Business Item – 8:

Agenda Request – Jasper County BOC

Department: Board of Commissioners

Date: January 6, 2020

Subject: Resolution in Support of the Creation of the Jasper County Public Facilities Authority

Summary:

The Local Delegation requires a resolution from the Jasper County Board of Commissioners to show support for the introduction of legislation into the 2020 Session of the General Assembly for the creation of the Jasper County Public Facilities Authority.

Background:

A Public Facilities Authority is a Public Corporation created through local legislation by the State of Georgia General Assembly.

A Public Facilities Authority created for Jasper County would assist Jasper County in providing for and managing long term infrastructure capital projects.

Cost:

None

Recommended Motion:

The Jasper County Board of Commissioners Adopts Resolution 2020 – 01-06 (2) which Supports Legislation to be introduced into the 2020 General Assembly for the Creation of the Jasper County Public Facilities Authority.

A BILL TO BE ENTITLED
AN ACT

1 To create the Jasper County Public Facilities Authority; to provide for the appointment of
2 members of the authority; to provide for its purpose and scope of operations; to provide for
3 definitions; to confer powers upon the authority; to authorize the issuance of revenue bonds
4 and other obligations; to provide for venue and jurisdiction of actions; to provide for monies
5 received and trust funds; to provide for tort and other immunities; to provide for tax
6 exemption, rates, charges, and revenues; to provide for effect on other governments; to
7 provide for the conveyance of property upon dissolution; to provide an area of operation; to
8 prohibit the authority from imposing taxes or exercising eminent domain; to provide for
9 construction and severability; to provide for a short title; to provide for related matters; to
10 provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 style="text-align:center">Short title.

14 This Act shall be known and may be cited as the "Jasper County Public Facilities Authority
15 Act."

16 style="text-align:center">**SECTION 2.**

17 style="text-align:center">Jasper County Public Facilities Authority; creation.

18 (a) There is hereby created a public body corporate and politic to be known as the "Jasper
19 County Public Facilities Authority," which shall be deemed to be a political subdivision of
20 the state and a public corporation, and by that name, style, and title said body may contract
21 and be contracted with, sue and be sued, implead and be impleaded, and complain and defend
22 in all courts of law and equity. The authority shall be separate and distinct from any public
23 corporation or other entity heretofore created by the General Assembly and shall be an

24 instrumentality of the state exercising governmental and proprietary powers. The authority
25 shall have perpetual existence.

26 (b) The authority shall consist of five members who shall be appointed by the governing
27 authority of the county. The members of the governing authority of the county may be
28 appointed to serve as members of the authority. All appointments shall be made for terms
29 of one year and until successors are appointed and qualified. Immediately after such
30 appointments the members of the authority shall enter upon their duties. To be eligible for
31 appointment as a member of the authority, a person shall be at least 21 years of age, shall be
32 a resident of the county for at least two years prior to the date of his or her appointment, and
33 shall not have been convicted of a felony. Any member of the authority may be selected and
34 appointed to succeed himself or herself. Any vacancy on the authority shall be filled in the
35 same manner as was the original appointment of the member whose termination of
36 membership resulted in such vacancy and the person so selected and appointed shall serve
37 for the remainder of the unexpired term.

38 (c) The members shall not be compensated for their services; provided, however, that such
39 members shall be reimbursed for their actual expenses necessarily incurred in the
40 performance of their duties.

41 (d) The members of the authority shall elect one of their number as chairperson and another
42 as vice chairperson. The members of the authority shall also elect a secretary, who need not
43 be a member of the authority, and may also elect a treasurer, who need not be a member of
44 the authority. The secretary may also serve as treasurer. If the secretary or the treasurer is
45 not a member of the authority, such officer shall have no voting rights. Each of such officers
46 shall serve for a period of one year and until their successors are duly elected and qualified.

47 (e) Three members of the authority shall constitute a quorum. A majority vote of a quorum
48 shall authorize any legal act of the authority, including all things necessary to authorize and
49 issue revenue bonds and other obligations. No vacancy on the authority shall impair the right
50 of the quorum to exercise all of the rights and perform all of the duties of the authority.

51 (f) The authority shall make rules and regulations for its own government. The members of
52 the governing authority of the county, as officers of the county, may vote on transactions
53 between the county and the authority and the members of the authority may likewise vote on
54 transactions between the county and the authority and the same shall not be deemed to create
55 any conflict of interest.

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SECTION 3.

Purpose; scope of operations.

The authority is created for the purpose of promoting the public good and general welfare of the citizens of the county and of the municipalities located within the county and financing and providing facilities, equipment, and services within the county, and in the municipalities located within the county, for sale to, lease or sublease to, ownership, or operation by any public body or any private person, specifically including the county or the municipalities located within the county as otherwise authorized by law.

SECTION 4.

Definitions.

As used in this Act, the term:

- (1) "Authority" means the Jasper County Public Facilities Authority created by this Act.
- (2) "County" means Jasper County, Georgia.
- (3) "Costs of the project" means and embraces the cost of construction, renovation, or demolition of buildings; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment; issuance costs, including, but not limited to, fees or discounts of underwriters or placement agents; funding of reserve accounts; financing charges; interest prior to and during construction and for 12 months after completion of construction; the cost of engineering, architectural, fiscal agent, accounting, and legal services and of plans, specifications, and expenses necessary or incidental to determining the feasibility or practicability of the project; administrative expenses, including expenses relating to financing or refinancing any project; working capital; and all other costs necessary to acquire, construct, add to, extend, improve, equip, operate, maintain, or finance the project.
- (4) "Obligations" means and includes revenue bonds, bond anticipation notes, other promissory notes, certificates of participation, custodial receipts, or other similar instruments creating interests in any contracts, lease agreements, or installment sales agreements or in the amounts payable to the authority, directly or indirectly, thereunder.
- (5) "Private person" means any individual or any legal entity, other than a public body, whether operated for profit or not for profit.
- (6) "Project" means all buildings, facilities, and equipment necessary or convenient for the efficient operation of the county or any municipality located within the county or any department, agency, division, or commission thereof permitted by the Revenue Bond Law.

90 (7) "Revenue Bond Law" means the Revenue Bond Law of the State of Georgia
 91 (codified in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., as amended), or any
 92 other similar law hereinafter enacted.

93 (8) "Revenue bonds" means revenue bonds authorized to be issued pursuant to this Act.

94 (9) "Self-liquidating" means any project which the revenues and earnings to be derived
 95 by the authority therefrom, including, but not limited to, any contractual payments with
 96 governmental or private entities, and all properties used, leased, and sold in connection
 97 therewith, together with any grants and any other available funds, will be sufficient to pay
 98 the costs of operating, maintaining, and repairing the project and to pay the principal and
 99 interest on the revenue bonds or other obligations which may be issued for the purpose
 100 of paying the costs of the project.

101 (10) "State" means the State of Georgia.

102 SECTION 5.

103 Powers.

104 The authority shall have the power:

105 (1) To have a seal and alter the same at its pleasure;

106 (2) To acquire by purchase, lease, gift, condemnation, construction, or otherwise, and
 107 with or without consideration, to hold, operate, maintain, lease, renovate, and dispose of
 108 real and personal property of every kind and character for its corporate purposes;

109 (3) To acquire in its own name by purchase, on such terms and conditions and in such
 110 manner as it may deem proper, or by condemnation in accordance with the provisions of
 111 any and all existing laws applicable to the condemnation of property for public use, real
 112 property or rights or easements therein, or franchises necessary or convenient for its
 113 corporate purposes, and to use the same so long as its corporate existence shall continue,
 114 and to lease or make contracts with respect to the use of or disposition of the same in any
 115 manner it deems to the best advantage of the authority, the authority being under no
 116 obligation to accept and pay for any property condemned under this Act, except from the
 117 funds provided under the authority of this Act, and in any proceedings to condemn, such
 118 orders may be made by the court having jurisdiction of the suit, action, or proceedings
 119 as may be just to the authority and to the owners of the property to be condemned, and
 120 no property shall be acquired under the provisions of this Act upon which any lien or
 121 encumbrance exists, unless at the time such property is so acquired a sufficient sum of
 122 money is to be deposited in trust to pay and redeem the fair value of such lien or
 123 encumbrance;

- 124 (4) To acquire, construct, add to, extend, improve, equip, operate, maintain, lease, and
125 dispose of projects;
- 126 (5) To execute, with other public bodies or private persons, contracts, leases, installment
127 sale agreements, and other agreements and instruments necessary or convenient in
128 connection with the acquisition, construction, addition, extension, improvement,
129 equipping, operation, maintenance, disposition, or financing of a project and, without
130 limiting the generality of the foregoing, authority is specifically granted to the authority
131 to enter into contracts, lease agreements, rental agreements, installment sale agreements,
132 and related agreements with other public bodies, specifically including the county and the
133 municipalities located within the county, relating to the provision of any project or
134 services for a term not exceeding 50 years, as provided in Article IX, Section III,
135 Paragraph I(a) of the Constitution of Georgia;
- 136 (6) To appoint, select, and employ officers, agents, and employees, including, but not
137 limited to, engineering, architectural, and construction experts, fiscal agents, and
138 attorneys, and to fix their respective compensations;
- 139 (7) To pay the costs of the project with the proceeds of revenue bonds, certificates of
140 participation, notes, or other forms of obligations issued by the authority; from any grant
141 or contribution from the United States of America or any agency or instrumentality
142 thereof; from the state or any agency, instrumentality, municipality, or political
143 subdivision thereof; from any private foundation or other private source; or from any
144 other source whatsoever;
- 145 (8) To pledge to the payment of revenue bonds, certificates of participation, notes, and
146 other forms of obligations issued by the authority any and all revenues and properties of
147 the authority, both real and personal;
- 148 (9) To accept loans or grants of money or materials or property of any kind from the
149 United States of America or any agency or instrumentality thereof, upon such terms and
150 conditions as the United States of America or such agency or instrumentality may
151 require;
- 152 (10) To accept loans or grants of money or materials or property of any kind from the
153 state or any agency, instrumentality, municipality, or political subdivision thereof, upon
154 such terms and conditions as the state or such agency, instrumentality, municipality, or
155 political subdivision may require;
- 156 (11) To accept loans or grants of money or materials or property of any kind from any
157 public or private foundation or any other private source upon such terms and conditions
158 as such public or private foundation or other private source may require;
- 159 (12) To borrow money for any of its corporate purposes and to issue or execute revenue
160 bonds, certificates of participation, notes, and other forms of obligations, deeds to secure

- 161 debt, security agreements, and such other instruments as may be necessary or convenient
 162 to evidence and secure such borrowing;
- 163 (13) To the extent not prohibited by the Constitution of Georgia or by general law, to be
 164 a co-owner, along with other public bodies and private persons, of any property or
 165 business entity if the authority finds and determines that such co-ownership is in the best
 166 interests of the authority and will serve the public purposes of the authority;
- 167 (14) To purchase policies of insurance as may be deemed appropriate for its corporate
 168 purposes;
- 169 (15) To enter into interest rate swaps, collars, or other types of interest rate management
 170 agreements, or credit enhancement or liquidity agreements relating to any obligations of
 171 the authority, provided that the obligation of the authority under such agreements shall
 172 not be a general obligation of the authority but shall be a limited obligation of the
 173 authority payable from a specific source of funds identified for such purpose;
- 174 (16) To contract with others, including private persons, for services relating to the
 175 management, operation, sale, or leasing of any project;
- 176 (17) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the
 177 manner in which its business is transacted;
- 178 (18) To prescribe rules, regulations, service policies, and procedures for the operation
 179 of any project;
- 180 (19) To exercise any power usually possessed by private corporations performing similar
 181 functions; and
- 182 (20) To do all things necessary or convenient to carry out the powers expressly given in
 183 this Act.

184 SECTION 6.

185 Revenue bonds and other obligations.

186 The authority shall have power and is hereby authorized to provide by resolution for the
 187 issuance of revenue bonds, in the manner provided by the Revenue Bond Law, or other
 188 obligations for the purpose of paying all or any part of the costs of the project and for the
 189 purpose of refunding revenue bonds or other obligations previously issued. The principal of
 190 and interest on such revenue bonds shall be payable solely from the revenues and properties
 191 pledged to the payment of such revenue bonds. The revenue bonds issued by the authority
 192 shall contain such terms as the authority shall determine are in the best interest of the
 193 authority; provided, however, that no revenue bonds shall have a maturity exceeding 40
 194 years. The authority may issue other obligations for the purpose of paying all or any part of
 195 the costs of any one or more projects, including the cost of constructing, reconstructing,

196 equipping, extending, adding to, or improving any such project, or for the purpose of
197 refunding, as herein provided, any such bonds or other obligations of the authority or to
198 refund bonds or other obligations of any other authority or public body previously issued to
199 finance or refinance the costs of a project.

200 **SECTION 7.**

201 Same; signatures; seal.

202 All such revenue bonds shall bear the manual or facsimile signature of the chairperson or
203 vice chairperson of the authority and the attesting manual or facsimile signature of the
204 secretary or secretary-treasurer of the authority, and the official seal of the authority shall be
205 impressed or imprinted thereon. Any revenue bonds may bear the manual or facsimile
206 signature of such persons as at the actual time of the execution of such revenue bonds shall
207 be duly authorized or hold the proper office, although at the date of issuance of such revenue
208 bonds such person may not have been so authorized or shall not have held such office. In
209 case any officer whose signature appears on any revenue bond shall cease to be such officer
210 before the delivery of such revenue bond, such signature shall nevertheless be valid and
211 sufficient for all purposes, the same as if that person had remained in office until such
212 delivery.

213 **SECTION 8.**

214 Same; negotiability; exemption from taxation.

215 All revenue bonds shall have and are hereby declared to have all the qualities and incidents
216 of negotiable instruments under the laws of the state. All revenue bonds, their transfer, and
217 the income therefrom shall be exempt from all taxation within the state as provided by the
218 Revenue Bond Law.

219 **SECTION 9.**

220 Same; conditions precedent to issuance.

221 The authority shall adopt a resolution authorizing the issuance of the revenue bonds or other
222 obligations. In the resolution, the authority shall determine that the project financed or
223 refinanced with the proceeds of the revenue bonds or other obligations is self-liquidating.
224 Revenue bonds may be issued without any other proceedings or the happening of any other
225 conditions or things other than those proceedings, conditions, and things which are specified
226 or required by this Act and the Revenue Bond Law. Any resolution providing for the

227 issuance of revenue bonds or other obligations under the provisions of this Act shall become
228 effective immediately upon its adoption and need not be published or posted, and any such
229 resolution may be adopted at any regular or special meeting of the authority.

230 **SECTION 10.**

231 Same; credit not pledged.

232 Revenue bonds or other obligations shall not be deemed to constitute a debt of the state or
233 the county nor a pledge of the faith and credit of the state or the county. Revenue bonds or
234 other obligations shall be payable solely from the revenues and properties pledged to the
235 payment of such revenue bonds or other obligations. The issuance of revenue bonds or other
236 obligations shall not directly, indirectly, or contingently obligate the state, the county, or any
237 municipality located within the county to levy or to pledge any form of taxation whatsoever
238 for the payment of such revenue bonds or other obligations or to make any appropriation for
239 their payment. No holder of any bond or other obligation or receiver or trustee in connection
240 therewith shall have the right to enforce the payment thereof against any property of any
241 other public body nor shall any such bond or other obligation constitute a charge, lien, or
242 encumbrance, legal or equitable, upon any such property unless otherwise provided by an
243 intergovernmental contract executed by the authority and such other governmental body. All
244 revenue bonds shall contain recitals on their face covering substantially the foregoing
245 provisions of this section. Notwithstanding the foregoing provisions, this Act shall not affect
246 the ability of the authority and the county or any municipality located within the county to
247 enter into an intergovernmental contract pursuant to which the county or the municipality
248 located within the county agrees to pay amounts sufficient to pay operating charges and other
249 costs of the authority or any project including, without limitation, the principal of and interest
250 on revenue bonds or other obligations, in consideration for services, facilities, or equipment
251 of the authority.

252 **SECTION 11.**

253 Same; trust indenture as security.

254 In the discretion of the authority, any issuance of revenue bonds may be secured by a trust
255 indenture by and between the authority and a corporate trustee, which may be any trust
256 company or bank having the powers of a trust company within or without the state. Such
257 trust indenture may contain such provisions for protecting and enforcing the rights and
258 remedies of the bondholders as may be reasonable and proper and not in violation of law,
259 including covenants setting forth the duties of the authority in relation to the acquisition and

260 construction of the project, the maintenance, operation, repair, and insuring of the project,
261 and the custody, safeguarding, and application of all monies.

262 **SECTION 12.**

263 Same; remedies of bondholders.

264 Any holder of revenue bonds and the trustee under the trust indenture, if any, except to the
265 extent the rights herein given may be restricted by resolution passed before the issuance of
266 the revenue bonds or by the trust indenture, may, either at law or in equity, by suit, action,
267 mandamus, or other proceedings, protect and enforce any and all rights it may have under
268 the laws of the state, including specifically, but without limitation, the Revenue Bond Law,
269 or granted hereunder or under such resolution or trust indenture, and may enforce and compel
270 performance of all duties required by this Act or by such resolution or trust indenture to be
271 performed by the authority or any officer thereof, including the fixing, charging, and
272 collecting of revenues, fees, tolls, fines, and other charges for the use of the facilities and
273 services furnished.

274 **SECTION 13.**

275 Same; validation.

276 Revenue bonds and the security therefor shall be issued, confirmed, and validated in
277 accordance with the provisions of the Revenue Bond Law. The petition for validation shall
278 also make the county, any municipality located within the county, or any other private person
279 or governmental body a party defendant to such action if the county, any such municipality,
280 private person, or governmental body has contracted with the authority for services or
281 facilities relating to the project for which revenue bonds are to be issued and sought to be
282 validated, and such defendant shall be required to show cause, if any exists, why such
283 contract or contracts shall not be adjudicated as a part of the basis for the security for the
284 payment of any such revenue bonds. The revenue bonds when validated, and the judgment
285 of validation, shall be final and conclusive with respect to such revenue bonds and the
286 security for the payment thereof and interest thereon and against the authority and all other
287 defendants.

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SECTION 14.

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Same; interest of bondholders protected.

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While any of the revenue bonds or other obligations issued by the authority remain outstanding, the powers, duties, or existence of the authority or its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such revenue bonds or other obligations, and no other entity, department, agency, or authority shall be created which would compete with the authority to such an extent as to affect adversely the interests and rights of the holders of such revenue bonds or other obligations. The provisions of this Act shall be for the benefit of the authority and the holders of any such revenue bonds under the provisions hereof and shall constitute a contract with the holders of such revenue bonds.

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SECTION 15.

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Venue and jurisdiction.

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Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the Superior Court of Jasper County, Georgia, and any action pertaining to validation of any revenue bonds issued under the provisions of this Act shall likewise be brought in such court, which shall have exclusive, original jurisdiction of such actions. Service upon the authority of any process, subpoena, or summons shall be effected by serving the same personally upon any member of the authority.

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SECTION 16.

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Monies received considered trust funds.

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All monies received pursuant to this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenue, income, fees, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this Act.

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SECTION 17.

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Immunity.

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To the extent permitted by law, the authority shall have the same immunity and exemption from liability for torts and negligence as the county. The officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same

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318 immunity and exemption from liability for torts and negligence as the officers, agents, and
319 employees of the county when in the performance of their public duties or work of the
320 county. To the extent permitted by law, the property of the authority shall not be subject to
321 levy and sale under legal process, except this provision shall not preclude a sale or
322 foreclosure of any property under the terms of any deed to secure debt, mortgage,
323 assignment, or security agreement that the authority has executed.

324 **SECTION 18.**

325 Tax exemption.

326 It is found, determined, and declared that the creation of the authority and the carrying out
327 of its corporate purposes are in all respects for the benefit of the people of this state and
328 constitute a public purpose and that the authority will be performing an essential
329 governmental function in the exercise of the powers conferred upon it by this Act. The
330 income of the authority, the properties of the authority, both real and personal, and all
331 revenue bonds, certificates of participation, notes, and other forms of obligations issued by
332 the authority shall be exempt from all state and local taxes and special assessments of any
333 kind to the extent permitted by and in accordance with the general laws of the state.

334 **SECTION 19.**

335 Rates, charges, and revenues; use.

336 The authority is hereby authorized to prescribe and fix rates and to revise same from time to
337 time and to collect revenues, tolls, fees, and charges for the services, facilities, and
338 commodities furnished, and in anticipation of the collection of the revenues, to issue revenue
339 bonds, certificates of participation, notes, or other types of obligations as herein provided to
340 finance, in whole or in part, the costs of the project, and to pledge to the punctual payment
341 of such revenue bonds or other obligations, all or any part of the revenues.

342 **SECTION 20.**

343 Effect on other governments.

344 This Act shall not and does not in any way take from the county, any municipality located
345 within the county, or any political subdivision the right to own, operate, and maintain public
346 facilities or to issue revenue bonds as provided by the Revenue Bond Law.

347

SECTION 21.

348

Area of operation.

349

The scope of the authority's operations shall be limited to the territory embraced within the territorial limits of the county, as the same now or may hereafter exist; provided, however, that nothing in this section shall prevent the authority from contracting with any entity or body, public or private, outside of the county with respect to any project located inside the county or located outside of the county in furtherance of its public purposes.

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SECTION 22.

355

Imposition of taxes; eminent domain.

356

The authority shall not have the right to impose any tax on any person or property and shall not have the right to exercise the power of eminent domain.

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358

SECTION 23.

359

Conveyance of property upon dissolution.

360

Should the authority for any reason be dissolved after full payment of all revenue bonds and other obligations of the authority and the termination of any leases, contracts, or options to which the authority is a party, the interest and any redemption premiums thereon and title to the property and funds of the authority held at the time of dissolution shall, prior to such dissolution, be conveyed and transferred to such one or more public bodies as the authority shall elect.

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SECTION 24.

367

Liberal construction.

368

This Act, being for the welfare of the county and various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

369

370

SECTION 25.

371

Severability.

372

The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

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374

375

SECTION 26.

376

Effective date.

377

This Act shall become effective upon its approval by the Governor or upon its becoming law

378

without such approval.

379

SECTION 27.

380

Repealer.

381

All laws and parts of laws in conflict with this Act are repealed.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF JASPER COUNTY
IN SUPPORT OF THE CREATION OF THE
JASPER COUNTY PUBLIC FACILITIES AUTHORITY**

WHEREAS, to signify support of the creation of the Jasper County Public Facilities Authority (the “**Authority**”) through the approval by the Georgia General Assembly of the legislation attached hereto and marked **Exhibit A**, the Board of Commissioners of Jasper County come now, as follows:

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Jasper County that they support said legislation and request it be introduced and approved.

Adopted this _____ day of January, 2020.

**BOARD OF COMMISSIONERS OF
JASPER COUNTY**

[SEAL]

By: _____
Chair

By: _____
Vice-Chair

Attest:

By: _____
Commissioner

By: _____
County Clerk

By: _____
Commissioner

By: _____
Commissioner

CLERK'S CERTIFICATE

The undersigned Clerk of the County, DOES HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of the Resolution adopted on _____, by the Board of Commissioners in a regular meeting, which was open to the public, and the original of said Resolution appears of record in the minute book of the Board of Commissioners which is in my custody and control.

WITNESS my hand and the official seal of the Jasper County Board of Commissioners this _____ day of _____, 2020.

(SEAL)

Sharon S. Robinson, County Clerk