



**CITY OF JONESBORO
Work Session
170 SOUTH MAIN STREET
March 5, 2018 – 6:00 PM**

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at rclark@jonesboroga.com should you need assistance.

Agenda

- I. CALL TO ORDER - MAYOR JOY B. DAY**
- II. ROLL CALL - RICKY L .CLARK, JR., CITY MANAGER**
- III. ADOPTION OF AGENDA**
- IV. INVOCATION**
- V. WORK SESSION**
 - A. Discussion regarding Revenue Enhancement and Expenditure Reduction Services.**
 - B. Discussion regarding amendments to the Jonesboro Position Pay Classification & Pay Plan as previously approved by Mayor & Council.**
 - C. Discussion regarding adoption of amended City of Jonesboro Personnel Policy.**
 - D. Discussion regarding approval of proposal from Pro Vision for the purchase of 10 (ten) body cameras and docking station for the Police Department.**
 - E. Discussion regarding Ordinance 2018-05 to amend the Code of Ordinances, City of Jonesboro, Georgia by amending Section 6-182 (Penalties) in Article VIII (Violations) of Chapter 6 (Alcoholic Beverages and Tobacco Products) therein to add requirement to notify Department of Revenue of Alcohol code violations.**
 - F. Discussion regarding an amendment to Ordinance 2018-004 revising Chapter 34 ("Environment") Article II ("Soil Erosion, Sedimentation and Pollution Control").**
- VI. OTHER BUSINESS**
 - A. Executive Session for the purpose of discussing Real Estate matters.**

VII. ADJOURNMENT



CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # - A

5.A

COUNCIL MEETING DATE
March 5, 2018

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date March, 5, 2018	
Signature	City Clerk's Office	

- Review of 911 Charges and Expenditures
- Review of Prior Year SPLOST Amounts
- Review of Opportunity to Assess Public Property Used for Proprietary Purposes
- Review of Contracted Services Cost

Fee Sample:

For example, if we discover municipal revenue that should have been collected by the City in prior years and that amount has accumulated to \$50,000 by the time of our discovery, with an estimated annual impact of \$10,000 per year going forward, our proposed "at risk" fee arrangement would yield us \$16,666 (33 1/3% of \$50,000) plus \$2,500 (25% of \$10,000) over the following seven years. Thereafter the City would realize the full amount of the discovery.

The total fees in the example above would be \$34,166 and the City would have realized \$85,834 through year seven. That calculates to a fee percentage of 28% for a seven-year horizon, 23% for a 10 year horizon of realization and 14% for a 20 year horizon of realization.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Agreement re Proposal to Provide Special Services
- Exhibit A re Proposal to Provide Special Services (003)

Staff Recommendation *(Type Name, Title, Agency and Phone)***Approval**



PARTNERS

STEVEN M. FINCHER
WINSTON A. DENMARK
SPECIAL COUNSEL
SERENA L. NOWELL

ASSOCIATES

DESTINY S. WASHINGTON
EUGENE P. SMITH
LEONID M FELGIN
EMILIA C. WALKER
JOHN T. O'NEAL
DANIELLE M. MATRICARDI

WRITER'S LINE
770.692.2024
sfincher@fincherdenmark.com

CITY OF JONESBORO AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2018, by and between the City of Jonesboro, Georgia, a municipal corporation (hereinafter "the City") and Fincher Denmark LLC (hereinafter "Consultant"). Both entities are on occasion referred to as "the Parties."

WHEREAS, Consultant is in the business, among other things, of providing financial consulting services to governmental entities in the State of Georgia, including municipalities in said State, for the purpose of assisting such entities in capturing and collecting tax revenues, occupational license fees, service fees and charges, intergovernmental assessments, and other fees, expenses, charges, and entitlements, and Consultant is furthermore in the business of advising and assisting such entities in identifying and implementing cost and operational savings and efficiencies (the services of Consultant are hereinafter referred to as "Services"); and,

WHEREAS, the City desires and intends to retain and employ Consultant for the purpose of providing these Services to the City in accordance with the terms and conditions of this Agreement;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are herein acknowledged, the Parties do agree as follows:

1.

Services

Upon approval of the City Manager as set forth below, Consultant shall provide to the City all Services as set forth in the attached Schedule "A" and such other similar Services as may be subsequently agreed. The Services include, but are not limited to, those reviews, analyses,

studies and examinations as identified in said Exhibit's "OPPORTUNITY AREA" and the objective of the Services is as specified in the Exhibit's "OBJECTIVES/SCOPE." In performing the required Services, the Consultant shall, upon request, make detailed presentations to the City Manager and its governing authorities regarding the Services, including the conclusions and findings of the Consultant, and the Consultant shall provide such written reviews, analyses, briefings, and other reports as the City Manager of the City may reasonably require. In the event Consultant identifies an opportunity to enhance the City's revenue, or effectuate a cost savings for the City, Consultant shall present to the City Manager for approval or rejection a proposed Task Order in such form as the City Manager may require. The Task Order shall (at a minimum) identify with specificity the proposed opportunity; the revenue (if any) currently generated from, or the cost incurred as a consequence of, the activity or property in question; the nature and extent of the anticipated revenue enhancement or costs savings; and, the proposed schedule for generating the enhanced revenue or reduction in costs. A condition precedent for any obligations of payment to Consultant for Services shall be the prior written approval by the City Manager of the applicable Task Order.

2.

Compensation and Term

As full and complete compensation for all Services performed by Consultant, Consultant shall be paid by the City contingent fees in accordance with the terms and conditions of Schedule "A." The basis for the fees charged is as set forth in the Schedule's "BASIS FOR FEE CHARGE" and the applicable percentages charged are as set forth in the Exhibit's "FEE PERCENTAGES." It is expressly agreed that the fees payable to Consultant are strictly contingent upon payment to the City, and receipt by the City, of the enhanced revenues and/or cost savings quantified and realized as identified in the applicable approved Task Order. The term of this Agreement is one (1) year commencing upon the date of execution of this Agreement by both Parties. This Agreement will automatically renew for a one year term on January 1 of each successive year thru January 1 2025, provided that the City may, before 60 days prior to any renewal date, send notice that it will not renew. At the end of the Term(s) of the Agreement if enhanced revenues and/or cost savings identified by the Consultant prior to the end of the Term have not then yet been received or realized by the City, the fees earned by the Consultant will be paid once the enhanced revenues and/or cost savings identified by the Consultant have been realized. For the purpose of calculating fees due Consultant, it is expressly agreed and understood that Consultant will be paid the applicable FEE PERCENTAGES as set forth above based on the enhanced revenues collected and/or cost savings realized for a period of seven (7) years commencing from the period that the revenue enhancement or cost savings first became effective. In no event, unless otherwise agreed by the parties on a written task order shall fees be paid to the Consultant beyond Seven (7) years from the date of this Agreement. Unless otherwise agreed by the parties on a written task order to the extent Consultant incurs or pays any cost or expense of any kind or nature relating to, or arising out of, the performance of any of its obligations under this

Agreement, including the cost and expense of any experts, attorneys, accountants or other professionals retained by Consultant, all such cost and expense shall be paid by Consultant and shall not be an obligation of, nor reimbursed by, the City. Consultant will not provide any services that would be litigation services as part of any approved Task Order, and litigation costs, if any, required to pursue and collect any revenues or realize any cost savings would be first approved by the City and would not be included in the Consultant fee. Any such litigation costs would, however, reduce the amount of enhanced revenue or cost savings from which the Consultant's fee is calculated.

3.

Independent Contractor

For all purposes of this Agreement, the Consultant, and its employees, officers, and agents shall be deemed and considered independent contractors and none are employees, officers, or agents of the City.

4.

Indemnification

Consultant shall indemnify and hold the City harmless from any and all claims, losses, costs, expenses, and liabilities of every kind and nature, including attorneys' fees and costs of litigation or arbitration, arising out of, or relating to, any breach of this Agreement by Consultant or arising out of or relating to any negligent or other wrongful act or omission of Consultant. The rights of the City to indemnification as set forth herein shall be in addition to all other rights and remedies of the City as provided by contract, law or equity.

5.

Other Engagements

The City acknowledges and agrees that Consultant has the unconditional right to provide services to other governmental entities, companies, agencies, or individuals and such engagements are not limited in any way by this Agreement; provided, however, Consultant agrees that such engagements will not conflict with the obligations of Consultant to the City as set forth herein. To the extent, if any, Consultant has acquired confidential or proprietary information from other clients of Consultant, Consultant shall not utilize any such information in the performance of its duties under this Agreement. Consultant represents and warrants that it has not entered into any confidentiality or non-compete agreements that would prevent, restrict, or impair Consultant from fully and faithfully performing the terms of this Agreement.

6.

Confidential and Proprietary Information

The City and Consultant each acknowledge that it may be given access to the other's confidential and proprietary information and trade secrets. The Parties respectively agree that they will not disclose the other's trade secrets or proprietary information to any third party except with express written permission or as required by applicable law. If such disclosure is necessary in order for the Consultant to perform the Services required herein, the City will not unreasonably withhold its consent to disclosure. All information claimed to be confidential or proprietary, or claimed to constitute a trade secret, shall be indentified in writing by the party making such claim at or before the time such information is disclosed to the other party.

7.

Notices

All notices provided for or required by this Agreement shall be in writing and shall be delivered personally to the designated party, or mailed by certified or registered mail, return receipt requested, or delivered by a recognized national courier service, as follows:

If to the Consultant: Fincher Denmark LLC, 8024 Fair Oaks Court, Jonesboro, Georgia 30236; Telephone (770) 961-4100; Facsimile (770) 471-9948. Attn: Steven M. Fincher

If to the City: City of Jonesboro, 124 North Avenue, Jonesboro, Georgia 30236: Attention City Manager: Telephone (770) 478-3800; Facsimile (770) 478-3775. Attn: City Manager

The addresses set forth above may be changed by either party provided such change of address is delivered as required herein. Notices delivered shall be deemed received at the time of personal delivery (if personally delivered); or within three (3) days after depositing such notice in the mail (if mailed as set forth hereinabove); or one (1) business day after delivery of the notice to the courier (if by overnight courier service).

8.

Termination

In the event of a material breach of this Agreement, the Agreement may be terminated for cause by the non-breaching party upon three (3) days prior written notice. The right to terminate for cause shall be in addition to all other rights and remedies of the party terminating the Agreement including all rights and remedies provided by herein, by law, or by equity. Either party may terminate the Agreement for convenience upon thirty (30) days prior written notice. In the event of termination for convenience, Consultant shall be paid, as its sole and exclusive remedy, such compensation earned and payable based on the calculations pursuant to Section 2 **Compensation and Term** as of the date of termination.

9.

Dispute Resolution

Any claim, controversy, or dispute between the Parties arising out of, or relating to, this Agreement shall, upon the request of either party, be submitted to a panel consisting of one (1) representative of each party who shall have authority to enter into an agreement to resolve the claim, controversy or dispute; provided, however, Consultant recognizes and agrees that any such resolution may be subject to final approval by the governing authority of the City. If the representatives of the Parties are unable to reach agreement, or if an agreement is not approved by the governing authority of the City, either party may require that the matter be submitted to non-binding mediation with a mutually selected mediator. If the Parties are unable to agree on the selection of a mediator, the mediation shall be conducted by the American Arbitration Association and the mediator selected or appointed in accordance with its rules and procedures. The cost and expense of any mediation shall be borne equally by the Parties. Nothing contained herein shall preclude the institution of legal proceedings as either party may deem necessary to protect its legal or equitable interest.

10.

Miscellaneous Provisions

- (a) This Agreement, including the attached Schedule "A" which is incorporated herein by reference, contains the entire agreement and understanding of the Parties concerning the subject matter hereof. No waiver, termination or discharge of this Agreement, or of any of the terms or provisions of same, shall be binding upon either party unless confirmed in writing. This Agreement may not be modified or amended except by a writing executed by both Parties. No waiver by either Party of any term or provision of the Agreement, or of any default hereunder, shall affect such Party's rights thereafter to enforce such term or provision or to exercise any right or remedy in the event of default;
- (b) This Agreement shall be governed and construed in accordance with the laws of the State of Georgia. If any provisions of the Agreement shall be declared invalid or unenforceable, the remaining provisions shall be in full force and effect provided the essential intent and objectives of the Agreement can be otherwise fulfilled;
- (c) The Consultant may assign this Agreement without the prior written consent of the City. Upon prior written notice to Consultant, the City may assign the Agreement without Consultant's consent;
- (d) This Agreement shall be binding upon, and shall inure to the benefit of, the Parties and their respective successors and permitted assigns;
- (e) This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed, or caused their duly authorized representatives to execute, this Agreement, executed under seal, as of the month of _____ and the ___ day and year first above written.

Fincher Denmark LLC

BY: _____ (SEAL)

TITLE: _____

The City of Jonesboro, Georgia

BY: _____ (SEAL)

TITLE _____

ATTEST: _____

APPROVED AS TO FORM

BY: _____

City Manager

OPPORTUNITY AREA	OBJECTIVES/SCOPE	REVENUE IMPACT	BASIS FOR FEE CHARGE	FEES PERCENTAGES	FEES TERM	BENEFICIAL IMPACT HORIZON
					LIMIT FOR FD	FOR THE CITY
Review of Property Assessments, Exemptions						
Personal Property	Adjust assessment model to reflect current market values.	Recurring; Potential revenue	Increase in assessed values resulting from collection related to contract scope efforts	33 1/3 percent of any amounts discovered by FD and received by the City pursuant to the Agreement; end that any	Seven(7) years from the period discovered	FOR AS LONG AS ADJUSTED FMV REMAINS IN DIGEST
Real Property						
Cell Tower, Antennas Inventory and Assessment Review	Capture real, personal, utility parcels that are not on current digest(s); Review of revenue calculations related to ROW use and franchise agreements	prior years	and collection of amounts for prior years resulting from contract scope efforts	Twenty-five percent (25%) of the amounts paid to the City for seven (7) years from the period end that directly relates to any previously discovered amounts		
Utility Digest Calculation Review						
Billboard Assessments						
Franchise Agreement and Use of ROW Review and Analysis						
Fiber Review (Dark Cable Payments)						
Tax Exempt Property Review						
Occupation Tax for Vendors/Others	Gross Receipts subject to Occupation Tax	Recurring; Potential revenue	Increase in Occupation Taxes related to operations collection related to prior years	33 1/3 percent of any amounts discovered by FD and received by the City pursuant to the Agreement; Twenty-five percent (25%) of the amounts paid to the City for seven (7) years from the period end that directly relates to any previously discovered amounts	Seven(7) years from the period discovered	FOR AS LONG AS VENDORS OPERATE AS A BUSINESS ENTITY WITHIN THE CITY
Abandoned Vehicles Recovery Opportunity	Reduction in operating costs and realization of receivable amounts;	Recurring; Potential revenue	Enhanced revenue and cost savings; collection of amounts for prior years	33 1/3 percent of any amounts discovered by FD and received by the City pursuant to the Agreement; Twenty-five percent (25%) of the amounts paid to the City for seven (7) years from the period end that directly relates to any previously discovered amounts	Seven(7) years from the period discovered	FOR AS LONG AS OPERATIONAL MODEL STAYS IN EFFECT
Review of Intergovernmental Agreements Identified Within the SDS Document						
Review of Contracted Services Costs/Contracts						
Review of 911 Charges and Expenditures						
Pension and Insurance Cost Reduction Analysis						



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #
-B

5.B

COUNCIL MEETING DATE
March 5, 2018

Requesting Agency (Initiator)
Office of the City Manager

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Discussion regarding amendments to the Jonesboro Position Pay Classification & Pay Plan as previously approved by Mayor & Council.

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Pursuant to the action of the City of Jonesboro Mayor & Council on February 12, 2018 to approve the new starting salary of Police Officers and the Economic Development/City Planner hybrid position (Community Development Director) discussed at the Retreat, it is necessary that the Pay Scale be amended to account for the newly created positions and establishment of the approved pay schedule. The proposed compensation plan revisions are as follows:

Job Title	Grade	Salary
Police Officer	12	\$18.66 per hour – \$25.11 per hour
Community Development Director	20	\$31.25 per hour - \$42.06 per hour

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- FY' 18 Pay Scale 032518 (amended)

Staff Recommendation (Type Name, Title, Agency and Phone)

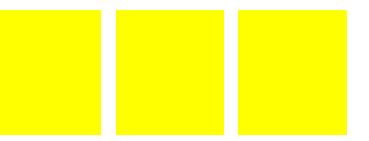
Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title Ricky L. Clark, City Manager	Date March, 5, 2018	
Signature	City Clerk's Office	

GRADE	POSITION	HOURLY/ANNUAL MIN / MAX	HIRING RATE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11	STEP 12	STEP 13	STEP 14	STEP 15	GRADE
1	Records Clerk General Laborer I Seasonal Worker	\$10.50 - \$12.32 \$21,840 - \$27,698	25,085 12.06	25,584 12.30	26,104 12.55	26,624 12.80	27,144 13.05	27,706 13.32	28,246 13.58	28,808 13.85	29,390 14.13	29,973 14.41	30,576 14.70	31,200 15.00	31,803 15.29	32,448 15.60	33,092 15.91	33,758 16.23	1
2	Records Clerk II Firehouse Museum Clerk (PT)	\$10.82 - \$13.72 \$22,506 - \$28,543	25,355 12.19	25,854 12.43	26,374 12.68	26,915 12.94	27,435 13.19	27,435 13.46	28,558 13.73	29,120 14.00	29,702 14.28	30,306 14.57	30,909 14.86	31,533 15.16	32,157 15.46	32,802 15.77	33,446 16.08	34,133 16.41	2
3	Administrative Clerk (City Hall) PART TIME POSITION (1560 hrs per year)	\$14.00 - \$17.76 \$29,120 - \$36,931	19,578 12.55	19,970 12.80	21,972 13.06	22,409 13.32	22,846 13.58	23,314 13.86	23,781 14.13	24,249 14.42	24,731 14.70	25,229 15.00	25,742 15.30	26,254 15.60	26,782 15.92	33,758 16.23	34,445 16.56	35,131 16.89	3
4	Assistant Court Clerk 29 hrs per week PART TIME POSITION (1508 hrs per year)	\$14.00 - \$17.76 \$29,120 - \$36,931	21,112 14.00	21,534 14.28	21,972 14.57	22,409 14.86	22,846 15.15	23,314 15.46	23,781 15.77	24,249 16.08	24,731 16.40	25,229 16.73	25,742 17.07	26,254 17.41	26,782 17.76	25,229 18.11	25,742 18.47	26,254 18.84	4
5	Administrative Assistant I	\$14.34 - \$18.18 \$29,820 - \$37,819	29,827 14.34	30,430 14.63	31,034 14.92	31,658 15.22	32,282 15.52	32,926 15.83	33,592 16.15	34,258 16.47	34,944 16.80	35,651 17.14	36,358 17.48	37,086 17.83	37,835 18.19	38,584 18.55	39,354 18.92	40,144 19.30	5
6	Park Ranger	\$14.50 - \$18.39 \$30,160 - \$38,584	30,160 14.50	30,763 14.79	31,387 15.09	32,011 15.39	32,656 15.70	33,301 16.01	33,966 16.33	34,653 16.66	35,339 16.99	36,046 17.33	36,774 17.68	37,835 18.03	38,584 18.39	36,046 18.76	36,774 19.13	37,835 19.52	6
7	General Laborer II	\$14.63 - \$18.55 \$30,422 - \$38,582	30,430 14.63	31,034 14.92	31,658 15.22	32,302 15.53	32,947 15.84	33,592 16.15	34,278 16.48	34,965 16.81	35,651 17.14	36,358 17.48	37,086 17.83	37,835 18.19	38,584 18.55	39,374 18.93	40,144 19.30	40,955 19.69	7
8	Executive Assistant Intake Officer	\$15.10 - \$19.15 \$31,408 - \$39,833	31,408 15.10	32,032 15.40	32,677 15.71	33,322 16.02	33,987 16.34	34,674 16.67	35,381 17.01	36,088 17.35	36,795 17.69	37,544 18.05	38,293 18.41	39,042 18.77	39,832 19.15	406,224 19.53	41,434 19.92	42,266 20.32	8
9	Probation Officer	\$15.45 - \$20.06 \$32,900 - \$41,725	32,136 15.45	32,781 15.76	33,426 16.07	34,112 16.40	34,778 16.72	35,485 17.06	36,192 17.40	36,920 17.75	37,648 18.10	38,397 18.46	39,166 18.83	39,957 19.21	40,747 19.59	41,579 19.99	42,411 20.39	43,243 20.79	9
10	Assistant City Clerk	\$16.00 - \$20.29 \$33,280 - \$42,207	33,280 16.00	33,946 16.32	34,632 16.65	35,318 16.98	36,026 17.32	36,754 17.67	37,482 18.02	38,230 18.38	39,000 18.75	39,770 19.12	40,560 19.50	41,371 19.89	42,203 20.29	43,056 20.70	43,909 21.11	44,782 21.53	10
11	Code Enforcement Officer	\$16.50 - \$20.93 \$34,320 - \$43,526	33,696 16.20	34,362 16.52	35,048 16.85	35,755 17.19	36,483 17.54	37,211 17.89	37,939 18.24	38,709 18.61	39,478 18.98	40,269 19.36	41,080 19.75	41,891 20.14	42,744 20.55	43,597 20.96	44,470 21.38	45,344 21.80	11
12	Police Officer (starting salary increased Feb 2018)	\$16.90 - \$21.43 \$36,910 - \$46,810	36,910 18.66	41,562 19.03	42,391 19.41	43,243 19.80	44,117 20.20	44,990 20.60	45,886 21.01	46,803 21.43	47,742 21.86	48,703 22.30	49,686 22.75	50,669 23.20	51,694 23.67	52,722 24.14	53,770 24.62	54,840 25.11	12
13	Training Officer	\$17.40 - \$22.07 \$36,920 - \$45,906	36,192 17.40	36,920 17.75	37,648 18.10	38,418 18.47	39,166 18.83	39,957 19.21	40,768 19.60	41,579 20.39	42,411 20.79	43,243 21.21	44,117 21.63	44,990 22.07	45,906 22.51	46,821 22.51	47,757 22.96	48,714 23.42	13
14	Warrant Investigator Criminal Investigator DEA Officer	\$17.90 - \$22.70 \$37,232 - \$47,219	37,232 17.90	37,981 18.26	38,730 18.62	39,520 19.00	40,310 19.38	41,101 19.76	41,933 20.16	42,765 20.56	43,618 20.97	44,491 21.39	45,386 21.82	46,301 22.26	47,216 22.70	48,173 23.16	49,130 23.62	50,107 24.09	14
15	City Mechanic	\$18.50 - \$23.46 \$38,480 - \$48,802	38,480 18.50	39,250 18.87	40,040 19.25	40,830 19.63	41,642 20.02	42,494 20.43	43,326 20.83	44,200 21.25	45,094 21.68	45,989 22.11	46,904 22.55	47,840 23.00	48,797 23.46	49,774 23.93	50,773 24.41	51,792 24.90	15

16	Clerk of Court	\$18.77 - \$23.81 \$39,042 - \$49,515	39,042 18.77	39,832 19.15	40,622 19.53	41,434 19.92	42,266 20.32	43,098 20.72	43,971 21.14	44,845 21.56	45,739 21.99	46,654 22.43	47,590 22.88	48,547 23.34	49,504 23.80	50,502 24.28	51,522 24.77	52,541 25.26	16
17	Sergeant	\$19.58 - \$24.83 \$42,763 - \$54,233	42,763 19.58	43,614 19.97	44,488 20.37	45,384 20.78	46,279 21.19	47,218 21.62	48,157 22.05	49,118 22.49	50,101 22.94	51,106 23.40	52,132 23.87	53,180 24.35	54,229 24.83	55,321 25.33	56,435 25.84	57,548 26.35	17
18	Probation Supervisor	\$19.98 - \$26.74 \$41,558 - \$55,619	41,558 19.98	42,390 20.38	43,243 20.79	44,096 21.20	44,990 21.63	45,885 22.06	46,800 22.50	47,736 22.95	48,693 23.41	49,670 23.88	50,669 24.36	51,667 24.84	52,707 25.34	53,768 25.85	54,829 26.36	55,931 26.89	18
19	Lieutenant	\$21.82 - \$30.66 \$47,655 - \$63,778	45,386 21.82	46,301 22.26	47,219 22.70	48,173 23.16	49,130 23.62	50,107 24.09	51,106 24.57	52,125 25.06	53,186 25.57	54,246 26.08	55,328 26.60	56,430 27.13	57,554 27.67	58,718 28.23	59,883 28.79	61,090 29.37	19
20	Community Development Director	\$24.10 - \$30.57 \$50,130 - \$63,577	65,000 31.25	66,310 31.88	67,621 32.51	68,973 33.16	70,366 33.83	71,760 34.50	73,195 35.19	74,672 35.90	76,149 36.61	77,688 37.35	79,227 38.09	80,829 38.86	82,430 39.63	84,094 40.43	85,758 41.23	87,485 42.06	20
21	Finance Officer	\$25.11 - \$31.85 \$52,228 - \$66,238	52,228 25.11	53,273 25.61	54,338 26.12	55,425 26.62	56,284 27.06	57,410 27.60	58,558 28.15	59,729 28.72	60,924 29.29	62,142 29.88	63,385 30.47	64,653 31.08	65,946 31.70	67,267 32.34	68,619 32.99	69,992 33.65	21
22	Public Works Director	\$25.55 - \$32.41 \$54,200 - \$68,739	54,200 26.06	55,284 26.58	56,390 27.11	57,517 27.65	58,668 28.21	59,841 28.77	61,038 29.35	62,259 29.93	63,504 30.53	64,774 31.14	66,069 31.76	67,391 32.40	68,739 33.05	70,117 33.71	71,510 34.38	72,946 35.07	22
23	City Clerk	\$26.73 - \$33.90 \$55,307 - \$70,143	55,307 26.59	56,410 27.12	57,533 27.66	58,698 28.22	59,862 28.78	61,068 29.36	62,275 29.94	63,523 30.54	64,792 31.15	66,102 31.78	64,713 32.41	68,765 33.06	70,138 33.72	71,552 34.40	72,966 35.08	74,443 35.79	23
24	Police Chief	\$27.97 - \$37.43 \$60,125 - \$82,816	60,125 28.90	61,318 29.48	62,546 30.07	63,794 30.67	65,062 31.28	66,373 31.91	67,704 32.55	69,056 33.20	70,429 33.86	71,843 34.54	73,278 35.23	74,755 35.93	76,232 36.65	77,771 37.39	79,310 38.13	80,912 38.90	24
25	City Manager	\$34.54 - \$43.81 \$71,843 - \$90,043	87,984 42.30	89,752 43.15	91,541 44.01	93,371 44.89	95,243 45.79	97,136 46.70	99,091 47.64	101,067 48.59	103,085 49.56	105,144 50.55	107,245 51.56	109,387 52.59	111,592 53.65	113,818 54.72	116,085 55.81	118,414 56.93	25





CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #
-C

5.C

COUNCIL MEETING DATE
March 5, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding adoption of amended City of Jonesboro Personnel Policy.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

- Employee Manual 082017

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title
Ricky L. Clark, City Manager

Date
March, 5, 2018

Signature

City Clerk's Office



City of Jonesboro, Georgia

Personnel Policies and Procedures

**AN ORDINANCE
TO ESTABLISH PERSONNEL POLICIES AND PROCEDURES
FOR THE CITY OF JONESBORO**

**CHAPTER I
TITLE AND PURPOSE**

SECTION A: TITLE

This Ordinance, establishing Personnel Policies and Procedures and governing the Administration of said policy of the City of Jonesboro and shall be known and cited as "Personnel Policies and Procedures of the City of Jonesboro".

SECTION B: PURPOSE

The purpose of this Ordinance is to establish policies and procedures for the Administration of Personnel matters in the City of Jonesboro.

SECTION C: ENACTMENT CLAUSE

Pursuant to the authority conferred by Georgia Law, the City Council of the City of Jonesboro does hereby adopt the following Personnel Policies and Procedures:

**CHAPTER II
ADMINISTRATION OF THE PERSONNEL SYSTEM**

SECTION A: ADMINISTRATION

The responsibility for the administration and interpretation of the personnel rules and regulations are vested in the Mayor in accordance with policy guidelines established by the Mayor and City Council. The Mayor shall have responsibility for the day-to-day operations of the Personnel Management of the City.

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1. a. City of Jonesboro Administrative Department: All personnel authorized to operate city vehicles;
- b. City of Jonesboro Police Department: All sworn personnel;
- c. Enforcement personnel: All personnel charged or authorized to issue citations for violations of City ordinances.

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CHAPTER III

EMPLOYMENT POLICY AND GENERAL PERSONNEL RULES

SECTION A: EMPLOYMENT AT WILL

Employment with the City of Jonesboro is “at will,” and may be terminated for any reason, with or without cause or notice, at any time by the employee or the City of Jonesboro. Nothing in this Handbook or in any oral or written statement shall limit the right to terminate employment with the City at the pleasure of the appropriate City authority. No supervisor or employee of the City of Jonesboro shall have any authority to enter into an employment agreement-express or implied-with any employee providing for employment other than “at-will.”

This policy of “at-will” employment is the sole and entire agreement between you and the City of Jonesboro as to the duration of employment and the circumstances under which employment may be terminated.

With the exception of employment “at will,” terms and conditions of employment with the City of Jonesboro may be modified at the sole discretion of the Mayor and Council of Jonesboro with or without cause or notice, at any time. No implied contract concerning any employment-related decision or term or condition of employment can be established by any other statement, conduct, policy, or practice.

Examples of the types of terms and conditions of employment that are within the sole discretion of the City of Jonesboro include, but are not limited to, the following: promotion; demotion; transfers; hiring decisions; compensation; benefits; qualifications; discipline; layoff or recall; rules; hours and schedules; work assignments; job duties and responsibilities; production standards; subcontracting; reduction, cessation, or expansion of operations; determinations concerning the use of equipment, methods, or facilities; or any other terms and conditions that the City of Jonesboro may determine to be necessary for the safe, efficient, and economic operation of City business.

SECTION B: EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the City of Jonesboro that all employees and applicants for employment shall receive equal opportunity in all employment matters. City of Jonesboro policy prohibits unlawful discrimination based on race, age, color, religion, national origin, sex, political belief or affiliation, veteran status or disability, as well as any other category protected by applicable federal, state, and local laws. The City of Jonesboro's commitment to equal employment opportunity applies to all persons employed by the City of Jonesboro and prohibits unlawful discrimination by any employee of the City of Jonesboro including supervisors and co-workers.

You should report every instance of unlawful discrimination to the Mayor and/or City Manager, regardless of whether you or someone else is the subject of discrimination. Detailed reports—including names, descriptions, and actual events or statements made—will greatly enhance the City's ability to investigate. Any documents supporting the allegations should also be submitted. Based on your report, the City of Jonesboro will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the investigation determines that prohibited discrimination or other conduct in violation of City of Jonesboro policy has occurred, the City of Jonesboro may take disciplinary action, up to and including termination of employment, against those who engaged in the misconduct. The City of Jonesboro will also evaluate whether other employment practices should be added or modified in order to deter and prevent discriminatory conduct in the future. You will be informed of whatever action(s) the City of Jonesboro takes to resolve and remedy the situation. The City of Jonesboro will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management, employees, or your co-workers.

SECTION C: OBJECTIVE

These policies provide for the recruitment of qualified applicants, the development of employees and the establishment of orderly procedures for administering the personnel system in accordance with the following principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill, including open competition of qualified applicants for initial appointment;
2. Providing equitable and adequate compensation to employees, within the budgetary means of the City;
3. Training employees, as needed, to assure high quality performance;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
5. Assuring fair treatment of applicants and employees in matters of personnel administration without regard to race, age, color, religion, national origin, sex, political belief or affiliation, veteran status or disability;

6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using official authority for the purpose of interfering with or affecting the results of an election;

SECTION D: ANTI-RETALIATION POLICY

In accordance with applicable law, the City of Jonesboro prohibits retaliation against any employee because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or because of the employee's participation in an employment discrimination investigation, proceeding or hearing. Any retaliatory adverse action because of such opposition or participation is unlawful and will not be tolerated.

Examples of Opposition: Opposition to perceived discrimination includes threatening to file a discrimination complaint with the EEOC, state agency, union or court or complaining or protesting about alleged employment discrimination to a manager, union official, co-worker or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. A complaint about an employee practice constitutes protected opposition only if the employee communicates to the City of Jonesboro a reasonable good faith belief that the practice opposed constitutes unlawful employment discrimination. Opposition in a manner which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees or supervisors, is not protected.

Examples of Participation: The City of Jonesboro prohibits retaliation against any individual because he or she has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state employment discrimination statutes. The City of Jonesboro also prohibits retaliation against someone closely related to or associated with the employee exercising such rights.

Complaint Procedure

The complaint procedure provides for an immediate, thorough and objective investigation of any claim and unlawful retaliation because of opposition to alleged discrimination or participation in a proceeding regarding alleged employment discrimination. If you believe that you have been retaliated against because of your opposition to an employment practice you reasonably believe to be discriminatory or because of your participation in a hearing or proceeding regarding alleged unlawful discrimination, you should provide a written or verbal complaint to the City Manager as soon as possible. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, and any documentary evidence.

All complaints of prohibited retaliation that are reported to management will be investigated. The City of Jonesboro will immediately undertake and direct an effective, thorough and objective investigation of the retaliation allegations. The investigation will be completed and a determination regarding the alleged retaliation will be made and communicated to the employee who complained and to the person(s) accused of retaliation.

If the City of Jonesboro determines that an individual has suffered adverse action in retaliation for opposition to alleged employment discrimination or participation in a proceeding related to alleged employment discrimination, the City of Jonesboro will take effective remedial action [0387-0094/261319/1]

appropriate to the circumstances. The City of Jonesboro will also take action to deter any future retaliation. If a complaint of unlawful retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the person responsible for the retaliation will be communicated to the employee who complained.

In addition to the City of Jonesboro's internal complaint procedure, employees should be aware that the Federal Equal Employment Opportunity Commission (EEOC) investigates and prosecutes complaints of unlawful retaliation because of opposition or participation in proceedings related to alleged employment discrimination. The nearest offices of the EEOC are listed in the telephone directory.

CHAPTER IV **RECRUITMENT AND SELECTION**

SECTION A: VACANT POSITIONS

Recruitment may be closed to consider only qualified current employees or may be open for public competition. Department Directors shall be responsible for notifying the City Manager of vacant, or soon to be vacant, authorized positions in their department.

When a vacancy occurs, the City may utilize one or more of the following methods to generate a source of applicants for vacant positions: post at City Hall; posting on the city website; advertise in a newspaper of local circulation; notify the local Georgia Department of Labor and others. The announcement for the position may include the title, salary range, minimum qualification requirements, manner of making application, and final date on which applications will be accepted. Reasonable effort shall be made to publicize vacancies so that all potential candidates are informed and qualified persons are attracted to compete.

Notice of all vacant positions should be posted at least five (5) working days, in City Hall and all other departments, and other locations designated by the City Manager.

SECTION B: APPLICATION FORM

Application shall be made on City application forms and may be supplemented by a résumé. Such forms shall include information covering training, experience, education, and other job related information. All applications must be signed by the applicant. An informed consent form authorizing the City to conduct a background check must also be signed by the applicant and notarized. Applications shall be taken for vacant positions only.

Once a hiring decision is made, the application forms for those individuals not hired shall be maintained in an inactive file for a six (6) month period.

SECTION C: DISQUALIFICATION

The City may remove from further consideration the application of an applicant who:

1. Does not meet the minimum qualifications established for the position;
2. Has failed to submit an application within the prescribed time limit;
3. Has made false statements of material fact, or practices deception in the application;
4. Has an unsatisfactory employment record of such a nature as to demonstrate unsuitability for employment by the City;
5. Has failed to pass a criminal record check or who has been convicted of a felony or otherwise exhibited dishonesty or public conduct offensive to the sensitivity of the public at large;
6. Has any other background information which may be detrimental to employment by the City;
7. After an offer of employment has been made, has failed to pass physical examination or drug screen as prescribed by City policies;
8. Has failed to report to duty within the time prescribed in an employment offer;
9. Has been employed previously by the City of Jonesboro and has been removed for cause, or did not resign in good standing, and is not recommended for reemployment by the Department Director in which the applicant was previously employed.

SECTION D: SELECTION

The Department Directors and/or City Manager should review all applications for employment to determine whether the applicant meets the established standards for employment. Examinations may be used when appropriate which may be written or oral or a combination. Such tests should be practical in character and should relate to the duties and responsibilities of the position for which the applicant is being examined. Examination of employees may also consist of a review of education experience necessary to perform the duties of the position.

The City Clerk will refer applicants meeting the employment standards to the employing Department Director. The Department Director shall consult with the Mayor and City Manager and shall make a selection from the applicants referred. Thereafter, the applicant may be offered employment by the City of Jonesboro contingent upon the applicant passing a drug screen or physical examination, if required.

SECTION E: NEEDS OF CITY

The chief purpose of all City employment is to serve the needs of the City Government, taxpayers, and citizens. The best interests and needs of the City shall be given paramount consideration in all matters, including the administration of these policies.

The Mayor and/or City Manager may change Department Directors, Chief Deputies or Clerks and Supervisory Personnel under their respective control and authority when, in their sole discretion, the needs of the City or the Department require same.

SECTION F: NEPOTISM-HIRING OF RELATIVES

It is policy of City of Jonesboro not to employ members of an employee's immediate family in the same department or under the supervision of a common supervisor. Neither will two members of an immediate family be employed at the same time if such employment will result in an employee supervising, directly or indirectly, a member of his or her immediate family. If a violation of this policy would occur with the marriage of two employees of the City, one spouse must be transferred so as to comply. If a transfer or promotion of an employee would violate this policy, the transfer or promotional opportunity may be denied.

Immediate family is defined as spouse, parents, son, daughter, brother, sister, grandparents, whether by blood or by law, and domestic partners-living together or apart. No family member of any City of Jonesboro Elected Official, or anyone residing in the Elected Officials household, shall be hired by the City for the duration of that Elected Official's term of office.

Employees currently working for the City of Jonesboro in the same department with immediate family, on or before 03-10-03, will be exempt for the purpose of their current position only. This policy applies to promotions, demotions, transfers, reinstatements, and new employees.

SECTION G: EXCEPTIONS FROM VACANCY ANNOUNCEMENT PROCESS

While the substantial majority of job vacancies meet the criteria for posting, there are a few circumstances that do not warrant advertisement of positions. The following is the listing of special staffing situations that, with the recommendation of the Department Director and **concurrence of the City Manager, may** be exempted from the competitive job posting process:

1. Annual appointment by City Council;
2. Reassignments or voluntary transfers at the same grade level;
3. Management directed reassignments at the same grade level;
4. Reorganizations and reductions in force that require reassignment of affected personnel to newly created or existing vacancies;
5. Position upgrades of jobs that are currently encumbered that result in reclassifications to a higher grade level. (Internal promotions in rank within the Police department are similar to position upgrades and likewise do not require external job postings).

SECTION H: TYPES OF EMPLOYMENT

1. **FULL-TIME NON-EXEMPT** – A full-time non-exempt employee shall be one who is scheduled to work and who does work a schedule of not less than (40) hours per week. Following the completion of the Working Test Period, full-time non-exempt employees are eligible for all benefits described in this Handbook.

2. **ELECTED/APPOINTED OFFICERS** – Elected or appointed officers and board members. The Mayor and City Council Members participate in the City retirement program but do not receive additional benefits.
3. **PART-TIME NON-EXEMPT** – A part-time regular employee shall be one who is scheduled to and who does work at least ten (10) but less than forty (40) hours per week. Part-time non-exempt employees may be assigned a work schedule in advance or may work on an as-needed basis. Part-time non-exempt employees are eligible for some, but not all employee benefits described in this Handbook.
4. **TEMPORARY** – Temporary employees are those who are employed for short-term assignments. Temporary appointments will normally not exceed six (6) months. Temporary employees are not eligible for employee benefits, except as required by applicable law, and may be classified as exempt or non-exempt on the basis of job duties and compensation.
5. **SEASONAL** – An employee appointed to a position to work no more than forty (40) hours a week, who will be separated at the end of the season for which the employee has been appointed. This appointment shall receive no benefits and shall not exceed a nine (9) month period.
6. **GRANT** – An employee whose salary and benefits are paid for and specified by either an approved grant or contract. Length of appointment shall be contingent on the availability of funds.
7. **EXEMPT EMPLOYEES** – Exempt employees are those whose job assignments meet the federal and state requirements for overtime exemption. Exempt employees are compensated on a salary basis and are not eligible for overtime pay. Generally, executive, administrative, professional and certain sales employees are overtime exempt. Your supervisor will inform you if your status is exempt.

SECTION I: WORKING TEST PERIOD

1. **OBJECTIVES:** The Working Test Period is an important part of the selection development and for rejecting any employee whose performance does not meet the required work standards. Any new incumbent (new hire, promoted, demoted or transferred employee) in any position shall be required to complete a Working Test Period. Employees serving a Working Test Period do not have Grievance rights hereunder unless there is alleged discrimination because of race, age, color, creed, gender, national origin, veteran status, or disability. Newly hired employees serving Working Test Period are not eligible to apply for other positions within the City. New employees serving Working Test Period are not eligible to use accrued personal or sick leave. Unsatisfactory performance may result in either extension of the Working Test Period, upon recommendation of the appropriate hiring official, or dismissal. The City Council delegates to the Mayor or City Manager the power to terminate the employment of any employee of the City for unsatisfactory completion of the Working Test Period, including those positions listed in Section 3.10 of the Charter.

2. **DURATION:** The Working Test Period shall normally be six (6) months in duration. Working Test Periods may be longer if they are tied to certification or educational attainment. Supervisors may extend the Working Test Period, with approval of the Mayor and City Manager, up to ninety (90) days maximum. Completion of the Working Test Period does not guarantee continued employment.
3. **EVALUATION OF PERFORMANCE:** After an employee has completed half (three months) of the Working Test Period, the Department Director should complete a progress report/performance appraisal on the employee's work and submit the form to the City Manager, with the written opinion of the employee's supervisor as to whether the employee's services have been satisfactory. During the Working Test Period, the employee's supervisor should advise the employee when the employee is not performing satisfactorily. At least ten (10) days prior to the expiration of a employee's Working Test Period, the Department Director should notify the Mayor in writing whether or not an employee is expected to satisfactorily complete the Working Test Period.
4. **DISMISSAL:** During the Working Test Period, a Department Director may remove an employee who, in his sole judgment, is unable or unwilling to perform the duties of his or her position. The Department Director shall immediately report such removal to the City Manager and the employee. Employees serving their Working Test Period do not have the right of Grievance unless it is alleged that the decision was based on race, age, color, religion, national origin, sex, political belief or affiliation, veteran status or disability.

SECTION J: NEW HIRE ORIENTATION

All new hires must meet with the City Clerk for orientation within the first three (3) days of employment. Successful completion is required for all newly hired employees. Arrangements for attendance will be coordinated through the Department Director, immediate supervisor and the City Clerk.

CHAPTER V

RECORDS AND REPORTS

SECTION A: PERSONNEL TRANSACTIONS

All appointments, separations, and other personnel transactions shall be made on forms designated by the Mayor. A separate file folder shall be prepared and maintained for each employee in a central file location and shall contain original or copy of all pertinent documents.

SECTION B: PUBLIC INSPECTION

All personnel records of employees and all records and materials relating to the administration of the Personnel system will be considered as confidential to the extent allowed by law, but is otherwise subject to disclosure pursuant to the open records laws. Information obtained in the course of official duties shall not be released by any employee other than by those officially charged with this responsibility.

The information recorded in your personnel file is extremely important. Make sure that the personal data in the file is accurate and up to date. Please report any change of address, phone number, etc. to the City Clerk immediately.

The City of Jonesboro will restrict disclosure of your personnel file to authorized individuals. All requests for personnel information must be processed through the City Clerk. Only the City Clerk is authorized to release information about current or former employees.

SECTION C: DESTRUCTION OF RECORDS

Employee service records are kept according to the State of Georgia Archives Retention Schedule Revised April 2007. Destruction of employee files are based on retention schedules as designated by the Georgia Secretary of State - Division of Archives and History.

SECTION D: ATTENDANCE REPORTS

Each Department Director shall prepare and submit regular attendance reports on the form and schedule designated by the Mayor.

CHAPTER VI **ETHICS AND CONDUCT**

SECTION A: OUTSIDE EMPLOYMENT

While employed by the City of Jonesboro employees are expected to devote their energies to their jobs with the City. Certain types of outside employment are strictly prohibited:

1. Employment which conflicts with an employee's work schedule, duties and responsibilities;
2. Employment which creates a conflict of interest or is incompatible with an employee's employment with the City of Jonesboro;
3. Employment which impairs or has a detrimental effect on an employee's work performance with the City of Jonesboro;
4. Employment which requires an employee to conduct work or related activities on City of Jonesboro property, during working hours or using City of Jonesboro facilities and/or equipment;
5. Employment which directly or indirectly competes with the business or the interests of the City of Jonesboro;

For the purposes of this policy, self-employment is considered outside employment. Employees wishing to engage in outside employment must submit a written request to the Mayor explaining the details of the outside employment. If the Mayor determines that the outside employment creates a conflict of interest situation between the employee and the City, resignation from one of the positions held will be expected. If the Mayor authorizes such outside employment, the City of Jonesboro shall in no way assume any responsibility for such outside employment.

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Specifically, the City of Jonesboro shall not provide workers compensation coverage or any other benefit for injuries occurring from or arising out of such outside employment. Authorization to engage in outside employment can be revoked at any time.

Failure to comply with this regulation will constitute grounds for dismissal.

SECTION B: CONFIDENTIAL INFORMATION

Information about the City of Jonesboro, its employees, citizens, suppliers and vendors is to be kept confidential and divulged only to individuals with a need to receive, and authorized to receive, such information. If in doubt as to whether information should be divulged, err in favor of not divulging information and discuss the situation with your Department Director.

All records and files maintained by the City of Jonesboro are confidential and remain the property of the City of Jonesboro. Records and files are not to be disclosed to any outside party without the express permission of the City Manager. Confidential information includes, but is in no way limited to financial records, personnel and payroll records (regarding current or past employees), information regarding transactions, account information, information regarding citizens, vendors or suppliers, or any documents or information regarding City operations, procedures or practices.

An employee may not directly or indirectly make use of confidential information acquired by virtue of employment with the City of Jonesboro in any manner except in the performance of the employee's official duties. An employee may not provide to anyone or permit others to use confidential information except in the performance of the employee's official duties. Confidential information obtained during or through employment with the City of Jonesboro may not be used by any employee for the purpose of furthering current or future outside employment or activities or for obtaining personal gain or profit. The City of Jonesboro reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information.

Employees may be required to enter into written confidentiality agreements confirming their understanding of these policies.

SECTION C: PERSONAL APPEARANCE DURING WORK HOURS

While the City of Jonesboro does not specify a city-wide dress code, employees are expected to be clean and neat in appearance during work hours. As representatives of the City, employees should present a professional image. Dress code policies may be established within individual departments. In certain types of jobs, employees may be required to wear uniforms.

The City of Jonesboro may designate specific days as "casual days." Dress on casual days may be less formal, but should always be clean, neat and suitable for the work place.

If lettered or illustrated clothing is worn, it should not promote a particular political, moral, religious, personal or other opinion. Clothing which is obscene, vulgar, offensive or inflammatory is prohibited. Employees may be required to change inappropriate dress or instructed not to wear the same or similar clothing in the future. Employees who do not comply [0387-0094/261319/1]

with established dress code standards may be subject to disciplinary action, up to and including separation from their employment.

The City of Jonesboro may require employees to wear identification badges while at work or on duty. Employees are not to wear these identification badges or any uniform or article of clothing which identifies them with the City while away from the work place during off-duty hours.

SECTION D: USE OF CITY PROPERTY

City property is to be used for work-related reasons only. Employees are not to use, misuse or permit the use of City property for other than work-related reasons. City property includes, but is not limited to: desks, storage areas, lockers, file cabinets, computers, telephones, fax machines, copiers or other equipment, supplies, vehicles, work areas and furniture. All such areas and items must be kept clean. The City of Jonesboro reserves the right, at all times, and without prior notice, to inspect and search any and all City property for the purpose of determining whether this policy or any other City of Jonesboro policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee.

Employees are prohibited from charging long-distance telephone calls to the City, unless work-related. The receiving and making of local telephone calls of infrequent, short duration is permitted. These privileges may, however, be withdrawn if abused. Voice mail messages should be professional, business-like and communicate accurate information.

Employees are responsible for reporting misuse of City property to their supervisors, human resource representatives or other appropriate officials. Misuse of City property may result in disciplinary action, up to and including separation from employment.

SECTION E: GIFTS AND GRATUITIES

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom the employee has official business of the City government. These limitations do not prohibit the acceptance of articles of negligible value which are distributed generally, nor do they prohibit employees from obtaining loans from regular lending institutions. Solicitation of gifts is never appropriate.

SECTION F: CONFLICT OF INTEREST

Business decisions and actions must be based wholly on the best interests of the City of Jonesboro and not be motivated by personal or other considerations or relationships. A conflict of interest arises when an employee puts his or her personal, social, financial, political, or other interest before the interests of the City of Jonesboro. Even the appearance of a conflict can damage your reputation and that of the City. Any situation that creates or appears to create a conflict of interest with the interests of City must be avoided.

It is particularly important that the employees of the City refrain from unfavorable relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

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Whenever an employee is faced with a situation which, in that employee's mind, is questionable or problematical with regard to posing a conflict of interest, that employee is encouraged to discuss the matter with the employee's Department Director, who may refer the matter to the City Manager.

SECTION G: POLITICAL ACTIVITY

Employees of the City of Jonesboro are encouraged to exercise their right to vote and/or participate in electoral politics where appropriate. However, such activity must occur strictly in an individual and private capacity and not on behalf of the City of Jonesboro. No employee shall make use of City time or equipment to aid a political candidate, political party, or political cause, or use a City position to persuade, coerce, or intimidate any person in the interest of a political candidate, political party, or political cause.

SECTION H: AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) prohibits discriminating against disabled individuals in regard to the terms or conditions of employment, including the application and hiring process, if the individual is qualified to perform the essential functions of the job with or without reasonable accommodation.

In order to comply with the Americans with Disabilities Act (ADA), the City of Jonesboro will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee when such reasonable accommodations will permit the applicant or employee to perform the essential functions of his or her job. The City of Jonesboro is not required by the Americans with Disabilities Act to provide an accommodation when it creates an undue hardship on the employer or when a direct threat of harm to the employee or others remains.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact his or her supervisor or the City Manager and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The City Manager will then conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The City Manager will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the City of Jonesboro will make the accommodation.

SECTION I: SEXUAL AND OTHER FORMS OF HARASSMENT

- 1. ALL UNLAWFUL HARASSMENT PROHIBITED:** It is the policy of the City of Jonesboro that every person employed by the City will be required to act in a manner reflecting our respect for the inherent human dignity of every person. Every person is to be treated as equally worthy of our respect, without reference to that person's race, age, color, religion, national origin, ancestry, sex, political belief or affiliation, veteran status, disability, or any other category protected by applicable federal, state, or local laws. Any such harassment, whether verbal, physical or environmental, will be considered to be a serious violation of the City of Jonesboro's employment principles and will not be tolerated.

2. **SEXUAL HARASSMENT:** The City of Jonesboro is committed to a workplace free of sexual harassment and prohibits any kind of sexual harassment. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; or
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

It is not easy to define exactly what actions or course of conduct will constitute sexual harassment under the circumstances of each case. Examples of behavior which violates this policy and may constitute sexual harassment include, but are not limited to:

- Coerced sexual acts;
- Unwanted sexual advances to which an employee objects;
- Express or implied demands for sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of continued employment;
- Staring at, touching or assaulting an individual's body;
- Verbal commentary about an individual's body or sexuality;
- Repeated sexual jokes, language, epithets, gossip, comments, flirtations, advances, propositions or questions;
- Repeatedly asking an employee for a date after the employee has clearly indicated that he or she is not interested;
- Suggestive, insulting or obscene comments or gestures;
- The display in the workplace of graphic and sexually suggestive objects, pictures or graffiti;
- Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual; or
- Retaliation against an employee for complaining about the type of behavior described above.

The type of behavior described above is unacceptable not only in the workplace, but also in other work-related settings such as business trips or business-related social events.

OTHER FORMS OF HARASSMENT: Harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his or her race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status, or that of persons with whom the individual associates. For example, racial harassment includes, but is not limited to, harassment

based on an immutable characteristic associated with race (e.g., skin color or facial features). Religious harassment includes, but is not limited to, demands that an employee alters or renounces some religious belief in exchange for job benefits. It is the policy of the City of Jonesboro to prohibit behavior which: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

As in the case of sexual harassment, it is not easy to define exactly what will constitute harassment based on race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status. Examples of behavior which violate this policy and may constitute harassing conduct include, but are not limited to:

- Epithets, slurs, quips, or negative stereotyping that relate to race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status;
- Threatening, intimidating or hostile acts that relate to race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status;
- Written or graphic material (including graffiti) that denigrates or shows hostility or aversion toward an individual or group because of race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status and that is placed on walls, bulletin boards, or circulated or displayed in the workplace; or
- “Jokes,” “pranks” or other forms of “humor” that is demeaning or hostile with regard to race, color, creed, religion, gender, national origin, age, political belief or affiliation, veteran status, disability or other protected status.

3. HARASSMENT COMPLAINT PROCEDURE: The City of Jonesboro's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

If you believe you have been harassed at work by any supervisor, co-worker, or visitor, or if you are aware of the harassment of others, you should provide a written or verbal complaint to your supervisor, the Department Director, the Mayor or City Manager. If the complaint involves someone in your direct line of command, then you should go to the Mayor with the complaint. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera). Any supervisor observing or having knowledge of any harassment must immediately report the matter to the employee's Department Director, the Mayor or City Manager.

All harassment complaints will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

If the City of Jonesboro determines that prohibited harassment has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained.

The City of Jonesboro recognizes that false accusations of harassment can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly, or in a malicious manner, falsely accused another person of harassment, the complainant will be subject to disciplinary action up to and including discharge.

Except as provided in the preceding paragraph, the City of Jonesboro will not, in any way, retaliate against an individual who makes a report of perceived harassment; nor will we permit any employee to do so. Retaliation is a serious violation of the City's harassment policy, and anyone who feels they have been subjected to any acts of retaliation should immediately report such conduct. Any person who retaliates against another individual for reporting any perceived acts of harassment will be subject to disciplinary action up to and including discharge.

4. **LIABILITY FOR HARASSMENT:** Any employee of the City of Jonesboro, whether a coworker or supervisor, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including discharge from employment. The City of Jonesboro does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the City of Jonesboro reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

SECTION J: WORKPLACE VIOLENCE

1. **STATEMENT OF POLICY:** The City of Jonesboro recognizes that violence in the workplace is a growing nationwide problem necessitating a firm, considered response, by employers. The costs of workplace violence are great, both in human and financial terms. We believe that the safety and security of the City of Jonesboro employees is paramount. It is the intent of the City of Jonesboro to provide a workplace that is free from intimidation, threats, or violent acts. Therefore, the City of Jonesboro has adopted this policy and maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, or anyone who conducts business with the City.

Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the City of Jonesboro or that occur on City property or in the conduct of City business off City property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in City operations, including,

but not limited to, City of Jonesboro personnel, contract workers, temporary employees, and anyone else on City property or conducting City business off City property. Violations of this policy, by any individual, will lead to disciplinary and/or legal action as appropriate.

This policy is intended to bring the City of Jonesboro into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

2. **DEFINITIONS:** Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or several City of Jonesboro employees. Workplace violence may involve any threats or acts of violence occurring on City premises, regardless of the relationship between the City of Jonesboro and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the City of Jonesboro or that may lead to an incident of violence on City property. Threats or acts of violence occurring off City premises that involve employees, agents, or individuals acting as a representative of the City of Jonesboro, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual;
- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates or property;
- The intentional destruction or threat of destruction of City of Jonesboro property or another employee's property;
- Harassing or threatening phone calls;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation; and
- Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the City of Jonesboro's interests.

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include reference to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

3. **ENFORCEMENT:** Any person who engages in a threat or violent action on City property may be removed from the premises as quickly as safety permits and may be required, at the City of Jonesboro's discretion, to remain off City premises pending the outcome of an investigation of the incident.

When threats are made or acts of violence are committed by employee(s), a judgment will be made by the City of Jonesboro as to what actions are appropriate, including possible medical evaluation and/or possible disciplinary action, up to and including discharge.

Once a threat has been substantiated, it is the City of Jonesboro's policy to put the threat maker on notice that he/she will be held accountable for his/her actions and then implement a decisive and appropriate response.

Under this policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. No existing policy or procedure of the City of Jonesboro should be interpreted in a manner that prevents the making of these necessary decisions.

Important Note: The City of Jonesboro will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the City. In making this determination, the City of Jonesboro may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that workplace violence has occurred. No provision of this policy shall alter the at-will nature of employment with the City of Jonesboro.

4. **COMPLAINT PROCEDURE:** The above complaint procedure (Section I, #4) should be followed to report any workplace violence.

SECTION K: TECHNOLOGY USE/INTERNET POLICY

The City of Jonesboro's technical resources – including desktop and portable computer systems, fax machines, Internet and World Wide Web (Web) access, voice mail, and electronic mail (e-mail) – enable employees to quickly and efficiently access and exchange information. The Internet can be a valuable source of information and research. In addition, e-mail can provide an excellent means of communicating with other employees, our customers and citizens, outside vendors, and other business. When used properly, we believe these resources greatly enhance employee productivity and knowledge. In many respects, these tools are similar to other City tools, such as stationery, file cabinets, photocopiers and telephones. Because these technologies are both new and rapidly changing, it is important to explain how they fit within the operations of the City of Jonesboro and within your responsibilities as an employee.

This policy applies to all technical resources that are owned or leased by the City of Jonesboro that are used on or accessed from City premises, or that are used on City business. This policy also applies to all activities using any City-paid accounts, subscriptions, or other technical services, such as Internet and World Wide Web access, voice mail, and e-mail, whether or not the activities are conducted from City of Jonesboro premises.

NOTE: As you use the City's technical resources, it is important to remember the nature of the information created and stored there. Because they seem informal, e-mail messages are sometimes offhand, like a conversation, and not as carefully thought out as a letter or memorandum. Like any other document, an e-mail message or other computer information can

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later be used to indicate what an employee knew or felt. You should keep this in mind when creating e-mail messages and other documents. Even after you delete an e-mail message or close a computer session, it may still be recoverable and may even remain on the system.

Acceptable Uses

The City's technical resources are provided for the benefit of the City of Jonesboro and its employees, citizens, vendors, and suppliers. These resources are provided for use in the pursuit of City business and are to be reviewed, monitored, and used only in that pursuit, except as otherwise provided in this policy.

Employees are otherwise permitted to use the City's technical resources for occasional, non-work purposes with permission from their direct supervisor. Further, the e-mail system may be used to send or receive personal messages so long as the use is insubstantial and does not interfere with the employee's job responsibilities. **Nevertheless, employees have no right of privacy as to any information or file maintained in or on the City's property or transmitted or stored through the City's computer, voice mail, e-mail, or telephone systems.**

Unacceptable Uses

City employees must exercise great care in using the City's technical resources so as to protect the City's reputation and not to inhibit the City's ability to conduct business. Please be aware that the City name goes with you as an electronic signature on every Internet site you visit. Activities of the City Internet users are monitored and reported to management as necessary.

The City's technical resources should not be used for personal gain or the advancement of individual views. Employees who wish to express personal opinions on the Internet are encouraged to obtain a personal account with a commercial Internet service provider and to access the Internet without using City resources.

Solicitation for any non-City business or activities using City resources is strictly prohibited. Your use of the City's technical resources must not interfere with your productivity, the productivity of any other employee, or the operation of the City's technical resources. Employees may not play games on the City's computers and other technical resources. In addition to the other conduct prohibited by this policy, the following acts are considered an unacceptable use of the City's technical resources and therefore a violation of this policy: sending mass mailings or chain letters; engaging in online chat groups; creating unnecessary network traffic; and downloading audio, video and/or picture files for non-business purposes.

You should not send e-mail or other communications that either mask your identity or indicate that someone else sent them. You should never access any technical resources using another employee's password. Similarly, you should only access the libraries, files, data, programs, and directories that are related to your work duties. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of the City, or improper use of information obtained by unauthorized means, is prohibited.

Sending, saving, or viewing offensive material is prohibited. Messages stored and/or transmitted by computer, voice mail, e-mail, or telephone systems must not contain content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would offend someone on the basis of his or her race, color, creed, religion, sex, age, national origin, or disability, veteran status, or any other category protected by federal, state, or local laws. Any use of the Internet/World Wide Web to harass or discriminate is unlawful and strictly prohibited by the City of Jonesboro. Violators will be subject to discipline, up to and including discharge.

The City of Jonesboro does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the City of Jonesboro reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

Access to Information

The City of Jonesboro asks you to keep in mind that when you are using the City's computers you are creating City documents using a City asset. Also, any information stored on your computer constitutes a public record under the State Open Records Act. The City of Jonesboro respects the individual privacy of its employees. However, that privacy does not extend to an employee's work-related conduct or to the use of City-provided technical resources or supplies.

The City's computer, voice mail, e-mail, or telephone systems, and the data stored on them are, and remain at all times, the property of the City of Jonesboro. As a result, computer data, voice mail messages, e-mail messages, and other data are readily available to numerous persons. If, during the course of your employment, you perform or transmit work on the City's computer system and other technical resources, your work may be subject to the investigation, search, and review of others in accordance with this policy.

All information, including e-mail messages and files, that are created, sent, or retrieved over the City's technical resources is the property of the City, and should not be considered private or confidential. Employees have no right to privacy as to any information or file transmitted or stored through the City's computer, voice mail, e-mail, or telephone systems. Any electronically stored information that you create, send to, or receive from others may be retrieved and reviewed when doing so serves the legitimate business interests and obligations of the City of Jonesboro. Employees should also be aware that, even when a file or message is erased or a visit to an Internet or Web site is closed; it is still possible to recreate the message or locate the Web site. The City of Jonesboro reserves the right to monitor your use of its technical resources at any time. All information including text and images may be disclosed to law enforcement or to other third parties without prior consent of the sender or receiver.

The City of Jonesboro does not archive e-mail messages. Employees who need to retain e-mail messages or attachments for business purposes should save the messages and/or attachments to their hard drive or another storage medium or print the material for their files.

Copyrighted Materials

You should not copy and distribute copyrighted material (e.g., software, database files, documentation, articles, graphics files, and downloaded information) through the e-mail system or by any other means unless you have confirmed in advance from appropriate sources that the City of Jonesboro has the right to copy or distribute the material. Failure to observe a copyright may result in disciplinary action by the City as well as legal action by the copyright owner. Any questions concerning these rights should be directed to the City Manager.

Confidential Information

E-mail and Internet/Web access is not entirely secure. Others outside the employ of the City of Jonesboro may also be able to monitor your e-mail and Internet/Web access. For example, Internet sites maintain logs of visits from users; these logs identify which entity, and even which particular person, accessed the service. If your work, while using these resources, requires a higher level of security, please ask the Mayor for guidance on securely exchanging e-mail or gathering information from sources such as the Internet or World Wide Web.

Security problems with browser software, Netscape or Internet Explorer, are potentially more serious for an organization such as the City of Jonesboro than for an individual user on his or her home computer. To protect City assets and disclosure of confidential information, please adhere to the following guidelines:

- Never surf the Web on a computer that has been identified as a computer that contains highly sensitive information, such as medical records or critical financial information.
- Ensure that your browser is kept up-to-date with the most current security patches.
- Visit only known and trusted sites on the Internet. If you are unsure about the safety of a particular site, contact the System Administrator.
- Be aware that selecting some links on Web pages or in e-mail messages will automatically download “applets,” which are small programs that will automatically run your computer. Hostile applets can exploit security holes to gather information from the user’s screen, such as user password files and critical network information.
- Always close your browser when you have finished surfing the Web.
- Observe “Net etiquette,” which is the practice of good manners in a networked environment and using good judgment in assessing what form of communication is appropriate for a particular kind of information.

All employees should safeguard the City’s confidential information, as well as that of citizens and others, from disclosure. Do not access new voice mail or e-mail messages with others present. Messages containing confidential information should not be left visible while you are away from your work area.

E-mail messages containing confidential information should include the following statement, in all capital letters, at the top of the message: **CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED.**

Security of Information

Although you may have passwords to access computer, voice mail, and e-mail systems, these technical resources belong to the City, are to be accessible at all times by the City, and are subject to inspections by the City with or without notice. The City may override any applicable

passwords or codes to inspect, investigate, or search an employee's files and messages. All passwords must be made available to the System Administrator upon request. You should not provide a password to other employees or to anyone outside the employ of the City of Jonesboro and should never access any technical resources using another employee's password.

In order to facilitate the City's access to information on its technical resources, you may not encrypt or encode any voice mail or e-mail communication or any other files or data stored or exchanged on City systems without the express prior written permission from the City Manager.

The City of Jonesboro's Software Policy

If you want to install software on City of Jonesboro computers, you must contact the Network Technician and request to have the software installed. Employees are prohibited from installing any software on any City technical resource without the express prior permission from the Network Technician and/or the City Manager.

Involving the Network Technician ensures that the City of Jonesboro can manage the software on City systems, prevent the introduction of computer viruses, and meet its obligations under any applicable software licenses and copyright laws. Computer software is protected from unauthorized copying and use by federal and state law; unauthorized copying or use of computer software exposes the City of Jonesboro and the individual employee to substantial fines and exposes the individual employee to imprisonment. Therefore, employees may not load personal software onto the City's computer system and may not copy software from the City of Jonesboro for personal use.

Employee Responsibilities

Each employee is responsible for the content of all text, audio, or images that they place or send over the City's technical resources. Employees may access only files or programs, whether computerized or not, that they have permission to enter.

Violations of any guidelines in this policy may result in disciplinary action up to and including termination. In addition, the City of Jonesboro may advise appropriate legal officials of any illegal violations. Employees learning of any violations of this policy or any misuse of computers, voice mail, e-mail, the Internet, or other electronic and/or computer systems must promptly notify the City Manager.

SECTION L: MOTOR VEHICLE POLICY

1. General Provisions

This policy provides guidelines for the most effective and efficient utilization of motor vehicles by departments in accomplishing their legally authorized missions. Departments are advised that State law prohibits the use of City property for personal reasons.

This policy applies to all motor vehicles that are owned or leased by the City, including those vehicles provided as parts of grants to private or public nonprofit organizations.

2. Assignments of Vehicles and Their Authorized Use

It is City policy that employees should be provided vehicles to the extent feasible where needed to conduct City business. These vehicles must be used solely and exclusively for municipal purposes. No passengers shall be transported in City vehicles except when transportation of passengers is necessary for the conduct of the City's business. All employees authorized to use a City vehicle shall be over the age of 18 and will automatically be placed in the pool of employees to be drug tested at random, as provided in the City policy on such testing.

For the purposes of this policy, "assignment" means that an employee has exclusive control over a vehicle's use during the workday or is the only employee who routinely drives the vehicle. City departments are required to officially assign a vehicle to an employee when either of such conditions exists or it is not practical to share the use of the vehicle routinely. Where vehicles are used in a shared environment, Departments shall so designate them – such as by assigning those to organizational units – rather than assigning them to individuals for record keeping or supervisory purposes.

2.1 Assignment of Vehicles for Work Day Use

A City vehicle will be assigned to an employee for use during the employee's work day for municipal purposes if:

- An employee requires a vehicle to perform law enforcement or emergency services; or
- An employee requires the use of a vehicle to perform specified job duties on a daily basis. This requirement must be documented at the time of the request for an assigned vehicle and must be reviewed annually by the department. The department shall submit the annual review to the Mayor.

2.2 Authorization for Vehicles to Be Driven Home Overnight

An employee shall be authorized to drive City vehicles to and from their residence if:

- A vehicle is for law enforcement or enforcement or emergency use or is specially equipped and used for a related mission;
- An employee must travel directly to a remote site (of sufficient distance for the employee to be on travel status) from his or her home the following morning, or the employee will suffer great inconvenience by having to drop a vehicle off at his or her office at the end of a work day during which the employee has used the vehicle in an authorized manner. This requires the approval of the employee's Department Director or the approval from the City Manager..

2.3 Authorization for On-Call Employees to Use City Vehicles

A. An employee who is on call after normal work hours is authorized to drive a pooled or assigned vehicle home only if the employee does not anticipate reporting to his normal worksite when called to duty and if the vehicle:

- Has special equipment other than a radio or cellular telephone, is used to transport equipment which is too large or heavy, or has special features which make it impractical to be transferred between vehicles or between a vehicle and a fixed location; or
- Might be required to be driven in sites or under conditions that would endanger a privately owned vehicle.

B. Department Directors may place employees on call only if the employee's services could be required during non-work hours to prevent or alleviate health or safety risks to the general public or to make significant repairs or renovations to City facilities which might cause more extensive damage if not handled immediately. It is the responsibility of Department Directors to assign employees to on-call duty and to maintain a log of such duty.

Further, the number of employees in a work unit who are assigned on-call responsibilities each evening or weekend and are required to drive vehicles home shall be kept to a minimum. Where employees can be used interchangeably for assigned functions for the on-call work, such assignments should be rotated among the work unit's employees so that only one or a few employees shall be designated as on-call each evening.

Only those employees actually on-call are authorized to drive City vehicles to and from their residences.

2.4 Authorization for Employees to Use Pooled Vehicles Overnight

An employee who uses a pooled vehicle may drive the vehicle home after work hours if the employee must travel directly to a remote site (of sufficient distance for the employee to be on travel status) from his or her home the following morning, or the employee will suffer great inconvenience by having to drop a vehicle off at his or her office at the end of a work day during which the employee has used the vehicle in an authorized manner.

2.5 Documentation of Vehicle Assignments

The justification for each vehicle assignment, including those vehicles presently assigned by departments, must be documented with Motor Vehicle Authorization Form. Justification for an employee to drive a vehicle home on a routine basis must also be documented on this form. A completed Motor Vehicle Authorization Form shall be filed in each vehicle's file, and the department must maintain a copy of all of these forms in a central file. A copy of the form will also be filed in an individual's personnel file. This form is to be resubmitted annually by each employee or by the employee's supervisor or manager and reviewed by management.

3. Operation of City Vehicles

All City vehicles will be operated in a safe and courteous manner. Drivers and passengers OF City vehicles shall obey all traffic laws and shall wear seat belts at all times. Employees operating City vehicles must have a valid Georgia driver's license. The employee assumes all responsibility for any traffic and or parking citations arising from illegal or improper operation.

The interior and exterior of City vehicles are to be kept clean and neat. Employees shall not personalize vehicles in any manner whether it involves adding to or taking from the vehicle. City vehicles are public property and therefore smoking is strictly prohibited.

4. Motor Vehicle Records (MVRs)

All employees whose responsibilities or duties involve operating a vehicle or may involve operating a City vehicle shall have their driver's license and current Motor Vehicle Record (MVR) reviewed by the City Manager. Such review shall be conducted for all new employees and on a yearly basis for present employees.

4.1 Driver's License

All employees who operate City vehicles shall have a valid Georgia Driver's License. An employee without a valid Georgia Driver's License shall not be authorized to operate a City vehicle.

4.2 Motor Vehicle Records

- A. Capital Violation. No employee shall be authorized to drive a City vehicle if he or she has one or more capital violations within the previous five (5) years. A capital violation is defined to be driving while intoxicated or impaired, or driving while under the influence of drugs, criminal conviction with a motor vehicle (e.g. felony, hit and run, vehicular manslaughter), or speeding in excess of 25 mph over the speed limit.
- B. Major Violations. No employee shall be authorized to operate a City vehicle if he or she has one or more violations within the previous three (3) years. Major violations are defined to include driving with a suspension, revocation or administrative restriction on a driver's license, leaving the scene of an accident as defined by State law, reckless driving or any combination of three or more moving violations, at fault accidents or preventable accidents.
- C. Minor Violations. No employee shall be authorized to operate a City vehicle if he or she has one or more minor violations within the previous twelve (12) months. Minor violations are defined to include any combination of two or more moving violations, at fault accidents or preventable accidents; three or more violations of equipment law requirements; failure to display number plates; or failure to carry proper identifications.

4.3 Annual Driver's License and MVR Review

- A. Driver's License. If an employee currently authorized to operate a City vehicle is found to not have a valid Georgia Driver's License during the annual review, the employee shall be immediately relieved of all driving responsibilities and shall not be authorized to operate a City vehicle until the license is reinstated according to State law and a new review shall be done to determine if the employee's driving responsibilities will be reinstated.
- B. Capital Violation. If an employee currently authorized to operate a City vehicle is found to have one or more capital violations during the annual review, the employee shall be immediately relieved of all driving responsibilities and shall not be authorized to operate a City vehicle for a period of six (6) months at a minimum. At the expiration of six (6) months, a new review shall be done to determine if the employee's driving responsibilities will be reinstated. The employee may also face probation, suspension or termination. After a meeting of the employee, Department Head and City Manager, completion of a State approved defensive driving course may allow the employee to have his or her driving privileges reinstated earlier than six (6) months.
- C. Major violations. If an employee currently authorized to operate a City vehicle is found to have one or more major violations during the annual review, the employee shall be immediately relieved of all driving responsibilities and shall not be authorized to operate a City vehicle for a period of six (6) months at a minimum. At the expiration of six (6) months, a new review shall be done to determine if the employee's driving responsibilities will be reinstated. The employee may also face probation, suspension or termination. After a meeting of the employee, department head and City Manager, completion of a State approved defensive driving course may allow the employee to have his or her driving privileges reinstated earlier than six (6) months.

4.4 Reporting of Violations and Accidents

All individuals employed in any capacity that involves driving for the City are required to report any driving related incident to his/her supervisor within 24 hours of the occurrence of the incident, including but not limited to moving violations and accident. This requirement applies to any incident that occurs whether in a City vehicle or a personal vehicle, whether on City time or on personal time and irrespective of who is at fault. Failure to report an incident in a timely manner will be grounds for immediate dismissal.

5. Registration and Licensing

The City Clerk shall apply for titles, registrations and tags for all vehicles purchased in the names of City departments.

6. Physical Identification: Marking of Vehicles

City vehicles are to be marked. These markings shall identify the vehicle as a City vehicle by having the City seal and an approved departmental designation placed on each front door of the vehicle. Assigned vehicle numbers are to be placed on the front left and rear right of the vehicle.

Vehicles on out-of-city trips do not need to be fixed with identifying markings while out of the city. All City vehicles shall have affixed City Government license tags.

7. Recordkeeping and Reporting

It is City policy that each vehicle shall be assigned one unique identification number. Furthermore, the City Clerk and each department shall maintain a file in manual and/or automated form which will identify each vehicle the City owns, contain title, registration, and other legal documentation, match each vehicle assigned to an employee with the assigned employee, identify all City business miles driven, identify all incidents of commuting use, identify relevant costs, and otherwise comply with all provisions of this policy.

8. Enforcement of Policy

All employees share in the responsibility for adhering to and enforcing City policy. Any problems should be brought to the attention of the appropriate supervisor and handled through the normal chain of command. Employees who violate this policy will be subject to disciplinary actions, including possible termination.

9. Accident Review Committee

The City of Jonesboro will maintain a continuous three-year record of all chargeable accidents involving city employees on city business. At midnight on December 31, 2014, and each November 1, thereafter, one year will be added and one year dropped from the city's three-year record of the chargeable accidents. The Personnel Office will keep the accident records that are turned in through established reporting procedures. The City of Jonesboro Accident Review Committee will determine whether an accident is chargeable or non-chargeable to the employees.

A point system will be used by the committee for all accidents that are deemed chargeable to employees. The number of points assigned for a chargeable accident will significantly determine the disciplinary action the committee will recommend to the Personnel Department, the Elected Officials, or the Department Heads.

The Accident Review Committee will have a total of five voting members and one non-voting member except to break a tie. The following departments will have one representative on the committee appointed by the department head: Police Department, Public Works Director, and Administration. In addition, the Accident Reconstructionist, as designated by the Chief of Police, & a Councilmember to be appointed by the current sitting Mayor, will also serve on the Committee. The independent Safety and Risk

Management Consultant will serve as the non-voting member of the committee. Members of the Accident Review Committee, appointed by a Department Head or Elected Official, will serve one-year terms, beginning May 1, 2015. Each year after, the appointments to the Accident Review Committee shall be made in conjunction with annual appointments of City Officials. The Chairman of the Accident Review Committee shall be appointed by the Mayor.

SECTION L: DRUG AND ALCOHOL USE POLICY

SECTION 1. RATIONALE AND EMPLOYEES COVERED

The City of Jonesboro is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse creates serious risks of physical harm to employees, persons who rely on Jonesboro's services, and to the public. It constitutes a direct threat to the lives and property of the citizens of Jonesboro and the public health, safety and welfare of all persons in Jonesboro. Drug and alcohol abuse leads to increased accident rates and absenteeism, causes job performance and efficiency to suffer, seriously compromises safety in the workplace and community, and discredits the City Government's reputation; therefore, the City of Jonesboro will not tolerate an employee's possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on City property or on City business at any time. In order to further the objective of protecting the persons and property of its employees, citizens and the general public, the City of Jonesboro hereby adopts and implements the following policy.

All employees shall be covered, except employees with commercial driver's licenses, who are covered by federal law.

SECTION 2. DRUG AND ALCOHOL USE PROHIBITED.

Substance and alcohol abuse by City employees during assigned working hours, in City buildings or on City grounds, or otherwise on City business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications, and the use or abuse of alcohol.

SECTION A. ILLEGAL DRUGS

1. The City of Jonesboro prohibits employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring any illegal drug or controlled substance while on the job, on City property, operating City equipment or vehicles or operating any other equipment or vehicles on City business. "Illegal drug or controlled substance" means any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring, including, without limitation, marijuana and cocaine, as well as all drugs listed as controlled substances under the Controlled Substances Act, 21 U.S.C. §812 or under Title 16, Chapter 130 of Official Code of Georgia Annotated.
2. The City of Jonesboro prohibits employees from being on the job, on City property, operating City equipment or vehicles, or operating any other equipment or vehicles on City business while impaired due to any illegal drug, prescription medicine or controlled substance. An employee is impaired due to the influence of an illegal drug or controlled

substance if drug test results indicate the presence of an illegal drug or controlled substance in the employee's system in an amount that constitutes a positive test result under accepted scientific standards.

3. Off the job illegal drug use or activity or arrest relating to such illegal drug use or activity is a violation of this Policy. Off the job drug use, activity, or arrest relating to such use or activity is likely to adversely affect the functioning of Jonesboro in many ways, including, without limitation, one or more of the following: adverse effects on job performance or attendance, jeopardizing the safety or welfare of the employee or fellow employees, jeopardizing the safety or welfare of persons which City services seek to protect, or risking damage to the City or other property. An employee convicted for a Violation of a criminal drug statute in the workplace or elsewhere must notify the City no later than five days after such conviction.

SECTION B: LEGALLY OBTAINED DRUG

1. Employees must not be on the job, on City property, operating City equipment or vehicles, or operating any other equipment or vehicles on City business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the City's opinion, the employee's use of legally obtained drugs jeopardizes the employee's ability to work safely or efficiently.
2. Employees using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to insure the physician approves the use of the prescription medication while the employee is performing the employee's duties.
3. The abuse or inappropriate use of legally prescribed drugs during assigned work hours is prohibited. Job performance or attendance deficiencies resulting from abuse or inappropriate use shall be cause for disciplinary action. If an employee's behavior or job performance gives rise to a reasonable suspicion, the employee may be required to submit to drug testing and to take any accrued sick or annual leave or leave without pay until such time as the employee is cleared to return to work by the employee's physician and department head.

SECTION C: ALCOHOL

1. Jonesboro prohibits employees from using, consuming, possessing, distributing, purchasing, selling or otherwise transferring alcoholic beverages on the job, on City property, while operating City equipment or vehicles or operating any other equipment or vehicles on City business.
2. Jonesboro also prohibits employees from being at work or on City property, operating City equipment or vehicles, or operating any other equipment or vehicles on City business under the influence of alcohol. An employee is under the influence of alcohol if, based on the employee's speech, statements, behavior, conduct, appearance or odor, the City believes the employee is under the influence of alcohol. An employee is also under the influence if test results indicate the employee's blood alcohol concentration level is .04 percent or higher. An employee is also under the influence of alcohol if he has been arrested for operating, under the influence of alcohol, City equipment or vehicles or any other equipment or vehicles on City business.

3. Off the job uses of alcohol that the City reasonably believes adversely affect job performance or attendance, jeopardize the safety or welfare of the employee or fellow employees, jeopardize the safety, health or welfare of persons covered by the City's insurance programs, or risk damage to City or other property are also a violation of this Policy.

SECTION 3. PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING.

SECTION A: DRUG SCREENING

To further the goal of providing a drug free workplace and protecting the health, safety and welfare of the employees, citizens, and general public of Jonesboro, all job applicants being considered for employment shall be required to pass a drug screening test prior to employment. As a part of the pre-employment physical, the test will be required after the interview process has verified the applicant has the necessary skills required to perform the job duties. All job applicants will be informed in advance that the test shall be required. A candidate for employment shall not be allowed to start working until the drug test results have been reviewed and approved by the MRO, as defined below.

SECTION B: POSITIVE TEST RESULTS

An applicant who has an initial screening positive test result for an illegal drug or controlled substance will not be hired and will not be reconsidered for any subsequent employment for a period of six months.

SECTION C: CONSENT

An applicant who refuses to consent to the test will not be hired.

SECTION 4. TESTING FOR EMPLOYEES

SECTION A: REQUIREMENT

To ensure the success of this Drug and Alcohol Policy, the City will require employees to undergo urinalysis or other medical drug and alcohol detection procedures under the circumstances described below. All required medical tests, all procedures in connection therewith, the interpretation thereof and the determination of positive results will be conducted in accordance with the procedures for drug and alcohol testing set out in 49 CFR Part 40, which is incorporated herein by reference, at the City's expense, by qualified, City designated medical personnel under the direction of the person designated as the Medical Review Officer, the "MRO". Although the procedures set out in 49 CR Part 40 are not by their terms applicable to the employees covered under this policy, the City adopts them for these purposes so as to have uniformity for all employees. All job applicants and employees who are required to undergo testing must sign a consent form authorizing the medical personnel to conduct testing.

SECTION B. RANDOM TESTING

1. Certain positions are critical to the public welfare and the safety and health of fellow employees. Employees in safety and health sensitive positions or employees whose job duties require maintenance or operation of a motor vehicle or motorized equipment shall be required to submit to a drug and alcohol screening test at unannounced times or on a periodic basis from time to time as determined the City. The following positions are to be considered safety sensitive:
 - a. City of Jonesboro Administration Department: All personnel authorized to operate city vehicles;
 - b. City of Jonesboro Police Department: All sworn personnel;
 - c. Road Department: All personnel operating motorized equipment and vehicles; and
 - d. Enforcement personnel: All personnel charged or authorized to issue citations for violations of City ordinances.
2. Employees in safety sensitive positions or whose job duties require operation of a motor vehicle may expect to be tested on an unannounced basis. The Mayor, subject to review by the Council, is authorized to develop an unannounced and Anonymous method of selecting employees for testing on a periodic basis. In each unannounced selection, the names of all employees subject to testing shall be included for each draw of names to be tested. The Mayor shall determine a percentage of employees to be tested each time which is deemed both cost effective and sufficient to insure that the goals of the Policy are implemented. The Mayor may direct the testing of any or all of the employees subject to testing on an occasional or period basis.
3. The City Council may designate additional positions which are deemed to be safety sensitive and subject to testing on an unannounced or periodic basis.
4. It is understood that firefighters and rescue personnel are volunteers and contribute their time unselfishly for the protection of the citizens of the City. The City recognizes that volunteer firefighters and rescue personnel ordinarily hold full time employment elsewhere. In order to avoid disrupting their employment, volunteers shall be given a reasonable period of time in which to report for such testing, but no less than 24 hours.

SECTION C. REASONABLE SUSPICION TESTING

1. Testing will be required when a supervisor reasonably suspects an employee is impaired or unfit for duty due to illegal drugs, controlled substances, or alcohol. Testing based on a reasonable belief that an employee is using or has used drugs or alcohol in violation of the policy may be drawn from those facts and may be based upon, among other things:
 - (a) Observable phenomena, such as direct observation of possession, transfer or use of such drugs, controlled substances, or alcohol, or the physical symptoms of being impaired or unfit for duty due to any of same;

- (b) Abnormal conduct or erratic behavior while at work including, but not limited to: slurred speech, staggered gait, flushed face, dilated or pinpoint pupils, deterioration of work performance including absenteeism and tardiness; or
- (c) A report of alcohol or drug use during assigned working hours provided by reliable and credible sources and independently corroborated.

2. Each employee is subject to, but not entitled to, drug or alcohol testing whenever the City reasonably suspects the employee uses illegal drugs or controlled substances, abuses legally obtained drugs, or abuses alcohol.
3. An employee who is tested pursuant to Section 4C will be suspended pending the test outcome. If the test is negative, the employee will be allowed to return to work with full back pay, unless the suspension was imposed for additional reasons unrelated to this Policy.

SECTION D: POST ACCIDENT TESTING

All employees involved in a work related incident which requires medical attention, involves personal injury, or involves property damage shall be tested promptly for drug and alcohol use in accordance with City policies. Any employee involved in a motor vehicle accident while driving a City vehicle on a public roadway shall be tested for drugs and alcohol. This section shall also apply to any employee involved in a motor vehicle accident while driving a private vehicle on City business.

SECTION E: TEST RESULTS WILL BE KEPT CONFIDENTIAL

All information from an employee's or job applicant's drug and alcohol test shall be confidential and only available to the department head, Mayor and legal counsel, the medical review officer, those employees of Jonesboro who have a valid need to know, and those involved in any appeal process should it become necessary.

Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant. The results of a positive drug or alcohol test shall not be released until the results are confirmed.

SECTION F: LIST OF MEDICATIONS

If an applicant or employee tests positive for drugs or alcohol, the City of Jonesboro will ask the individual to provide a list of those prescriptions and over the counter medications recently used. The list of medications shall be kept confidential. The list of medications shall be disclosed only to the medical review officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

SECTION G: DRUGS FOR WHICH EMPLOYEES WILL BE TESTED

1. The drugs to be tested for include, but are not limited to, the following:

Marijuana
Sedatives

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Methaqualone
 Opiates/Narcotics
 Stimulants
 Amphetamines
 Benzodiazepines
 Hallucinogens
 Alcohol
 Cocaine

2. Any employee who undergoes any test for alcohol and the results indicate a blood alcohol concentration of 0.04 or more shall be considered to be in violation of this Policy which shall subject the employee to all terms and conditions of the Policy.

SECTION H: CONSENT

Before a test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the employer and the medical review officials. The consent form shall provide a space for employees and job applicants to acknowledge they have been notified of the requirements of this Policy.

SECTION I: REFUSAL TO CONSENT

1. Job Applicants: Any applicant for a job with the City of Jonesboro who refuses to consent to a drug test shall be denied employment.
2. Employees: Any employee who refuses to sign the consent form or submit to a drug and alcohol test as required herein shall be subject to termination. Employees who fail to appear at the designated collection site to take the test when so directed shall also be subject to termination.

SECTION J: FAILURE TO COOPERATE

Any employee, who (1) fails to cooperate with a City investigation into possible violations of this policy or (2) refuses to sign the consent or take a drug or alcohol test, will be discharged.

SECTION 5. SEARCHES

When a supervisor reasonably suspects, as outlined in Section 4 of the Policy, that an employee is impaired or unfit for duty due to an illegal drug, controlled substance, or alcohol, or that an employee is manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring any illegal drug, controlled substance or alcohol while on the job, on City property, operating City equipment or vehicles or operating any other equipment or vehicles on City business, the City shall have the right to conduct reasonable searches of the employee's clothing, briefcase, purse, lunch box, tool box, or motor vehicle. Prior to conducting a search pursuant to this paragraph, the City will explain to the employee the reasons and grounds for the search and request the employee's consent to the search. Searches will be conducted in a manner that minimizes any intrusions into the employee's privacy. No search

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will be conducted if the employee refuses to consent to the search, but the employee's refusal to cooperate with search efforts may subject the employee to discipline up to and including discharge. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, the evidence may be used to support disciplinary actions up to and including discharge. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

SECTION 6. DISCIPLINARY AND TERMINATION POLICY

SECTION A: NOTICE

If a specimen is confirmed positive, the employee will be informed of the results by the MRO.

SECTION B: PENALTY FOR VIOLATION OF THE POLICY

An employee who, in the opinion of the City, violates any provision of this Section of this Policy, including testing positive for any prohibited substance, is subject to discipline in accordance with the procedures outlined in the City of Jonesboro Personnel Policy, up to and including discharge.

CHAPTER VII-RESERVED

CHAPTER VIII OPERATIONS

SECTION A: TRANSFER

A transfer is a lateral move from one position to another within the same classification. When an employee is transferred, the employee's pay will normally remain at the same rate. A transfer of an employee from one department to another shall have the approval of both supervising officials and the City Manager.

1. Voluntary Transfer – An employee may request a transfer by submitting a request for transfer to another position/department to the City Clerk. All transfer applicants must meet the minimum qualifications for the desired position. The successful completion of a voluntary transfer working test period will not warrant a salary increase.
2. Involuntary Transfer – An employee may be transferred without consent upon the written recommendation of the Department Director(s) and upon approval of the Mayor and Council. The successful completion of an involuntary transfer Working Test Period does not warrant a salary increase.

SECTION B: DEMOTIONS

A demotion is the movement of an employee to a lower classification level. When an employee is demoted, the employee's pay will normally be reduced to a rate within the range of the lower position. The rate of pay shall be set by the Department Director with the approval of the City Manager. To be taken into consideration will be the circumstances surrounding the demotion, as well as the employee's length of service and performance record with the City.

1. Voluntary Demotions – An employee may request a demotion but must compete for a job vacancy along with all others who may be eligible for applying for the position.
2. Involuntary Demotions – If a Department Director decides that the demotion of an employee is necessary, appropriate, and in the best interest of the organization, the Department Director shall submit a written recommendation to the Mayor. The recommendation for demotion should state detailed reasons for the demotion and the proposed effective date.

Upon approval of the Mayor and City Manager, the Mayor and City Manager will initiate the demotion process by notifying the _____ Department Director. It is the responsibility of the Department Director to notify the employee of the demotion, in writing, stating the reasons for the demotion, in writing, and the effective date. The employee shall have no right of appeal.

Involuntary demotions occur in instances of inadequate performance, reduction in workload or workforce, or for disciplinary purposes. The Department Director will provide documentation of any such action to the Personnel Office to be placed in the employee's personnel file.

SECTION C: SALARY INCREASES

It is the policy of the City of Jonesboro to reward its employees by establishing an equitable and uniform system of providing annual salary increases. Salary increases are not automatic and are solely within the discretion of the City of Jonesboro. Salary increases are based on formal performance evaluations by supervisors during the calendar year and are granted only when the quality of an employee's work performance meets or exceeds expectations.

Salary increases within appropriate ranges may be made annually at the time of the approval of department budgets upon the recommendation of Department Directors and the Mayor & Council based on employee evaluations and other pertinent data.

All employees may receive a cost of living increase on a yearly basis upon approval by the City Council. The amount will normally be determined by the City Council annually.

SECTION D: HOURS OF WORK

The established work week and hours of work shall be uniform with occupational groups and shall be determined in accordance with the needs of the City's service and the reasonable needs of the public.

SECTION E: OVERTIME PAYMENT

Overtime pay shall be limited to emergencies or special situations approved by the Department Director and shall be subject to budgeting by the City Council. Employees shall not work overtime without the prior express authorization of their direct supervisor. If allowed by law, overtime authorized by a Department Director may be compensated for by allowing an employee time off (compensatory time).

Overtime for all employees, except law enforcement and exempt personnel, is defined as all hours worked over forty (40) during a normal workweek. Department Directors must assure budgetary compliance when approving payment for overtime. Overtime payment or compensatory time shall be subject to conditions described in the Fair Labor Standards Act for all classes of employees. The Mayor shall have final authority on matters pertaining to this section.

Exempt employees shall not accrue compensatory time but may work flexible schedules upon approval of the Mayor.

SECTION F: INCLEMENT WEATHER/EMERGENCY CONDITIONS

Inclement weather conditions/emergency conditions from time-to-time will create a need for the City to reduce services or close City Offices. Inclement weather is defined as any weather condition that exists that will create hazardous driving conditions, loss of electricity, or will put the employee's life in jeopardy should they travel away from home. However, certain positions (Law Enforcement, Public Safety, and Public Works) that are necessary to the welfare of the citizens of the City of Jonesboro are required to work. The following procedures will be in effect for all employees in case of inclement weather/emergency conditions:

1. A designated City administrative official will release to local stations and other news media a statement regarding work schedules.
2. Pay policies for inclement weather/emergency conditions for reduced services are as follows:
 - a. Non-Emergency Employee Pay Rules: After a decision is made to reduce services, non-emergency employees must decide for themselves, with approval of the employee's Department Director, whether to work as scheduled, use accrued vacation or compensatory time, or take leave without pay.
 - b. Emergency Employee Pay Rules: Emergency employees are to remain on duty during their normal work schedule or alternate schedule as determined by their supervisor or Department Director. Employees are to be paid in accordance with FLSA regulations.
3. Pay Rules after the decision to close work stations: Employees who are unable to report to work due to the closing of their work station, or have not been assigned an alternate work station, will not lose compensation. Such time shall be entered on the time sheet as "excused other" leave.

CHAPTER IX

GRIEVANCES AND APPEALS

SECTION A: DEFINITION

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A grievance is a complaint made by an employee concerning the interpretation of these policies and procedures, departmental work rules, or non-disciplinary action affecting the employee's employment with the City. Matters which are not subject to grievance or appeal are disciplinary actions of any kind, including, but not limited to, reprimands, promotions, demotions, suspensions or dismissals.

As a reminder, employment with the City is "at will." No rights to appeal employment decisions are created hereunder, and there shall be no formal or informal recourse for disciplinary actions, promotions, demotions, suspensions or dismissals.

SECTION B: POLICY

The most effective accomplishment of the work of the City requires prompt and equitable adjustment of employee grievances. It is the desire of the City to address grievances informally, and both employees and supervisors are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances, which will be resolved only after a formal appeal and review. No employee shall be disciplined or discriminated against in any way because of the proper use of the grievance procedure.

SECTION C: GRIEVANCE PROCEDURE

An employee will file grievances in the following manner:

- 1. INFORMAL GRIEVANCES:** An employee shall first discuss a grievance with the immediate supervisor or the official who has the authority to hear the grievance and offer the type of corrective action the employee is seeking. The supervisor or official shall make inquiry into the facts and circumstances of the complaint and attempt to resolve the problem promptly and fairly.
- 2. FORMAL GRIEVANCES:** An employee who is not satisfied with the decision received informally shall have the right to file a formal written complaint with the City Manager. An employee must file a grievance within ten (10) business days of the decision on the Informal Grievance.

The City Manager should, within five (5) business days, convene a conference to discuss the grievance with the employee, the Department Director or supervisor and other appropriate individuals. A decision will normally be rendered within fifteen (15) business days and shall be final. The employee will receive same in writing.

CHAPTER X

DISCIPLINARY ACTION

SECTION A: TYPES OF DISCIPLINARY ACTION

Except as otherwise provided in the Charter, the Mayor, City Manager or a Department Director shall generally have the following alternatives for disciplinary action:

- 1. VERBAL REPRIMAND.** The City Manager or a Department Director may administer a verbal reprimand to correct detrimental employee behavior or poor work performance. Department Directors will keep a written record of verbal reprimands, and they may be made a part of an employee's personal file. Such record maintained should include time, date, and a brief description of the problem and direction of the problem and direction given the employee.
- 2. WRITTEN REPRIMAND.** The City Manager or a Department Director may submit a written reprimand to an employee when a verbal reprimand has not resulted in the expected improvement, or when more severe initial action is warranted. Copies shall be sent to the Mayor and City Manager. The City Clerk shall file a copy of the reprimand in the employee's personnel file, from which it may be removed after one (1) year, provided no additional reprimands are received by the employee. Such removal shall be at the direction of the Department Director. Written reprimands should contain specific time, date, offense, place of offense, the signature of the employee, and a statement of expected corrective action to be taken by the employee. Should the employee refuse to sign the reprimand, such action shall be documented by both the City Manager and City Clerk.
- 3. SUSPENSION.** The Mayor, City Manager or a Department Director may suspend an employee with or without pay for disciplinary reasons. A written statement specifically setting forth reasons for suspension and duration of the suspension shall be furnished to the employee. Except as otherwise provided in the Charter, such suspension shall not exceed thirty (30) days in any one calendar year. Copies of suspension shall be sent to the City Clerk and placed in the employee's personnel file.
- 4. DISMISSAL.** A Department Director, the Mayor or the City Manager may dismiss an employee, with or without cause, as required for the orderly administration of the City. The employee shall attend a private conference, and be furnished notice of dismissal in writing, stating the reasons, if any, for dismissal. Copies shall be filed with the City Clerk and placed in the employee's personnel file.

The City of Jonesboro does not provide for the appeal of disciplinary actions.

SECTION B: REASONS FOR DISCIPLINARY ACTION

While employment with the City is "at will," and no cause or reason shall be required to separate employees from employment with the City, listed below, while far from inclusive, are some of the reasons for which disciplinary action may be taken ranging from a verbal warning to discharge. The list is not intended to include all offenses for which disciplinary action may be taken, but includes many of the most commonly encountered ones:

- (1) Being convicted of (a) a felony or (b) a misdemeanor involving moral turpitude, immoral conduct, or indecency;
- (2) Being absent without leave;
- (3) Excessive tardiness;
- (4) Abuse of leave;
- (5) Inefficiency, negligence, or incompetence in the performance of duties;
- (6) Insubordination;
- (7) Careless, negligent or improper use of City time, property, or equipment;
- (8) Falsification of records or willfully giving false statements to supervisors, officials or the public;
- (9) Violation of City ordinances, administrative regulations, or departmental rules;
- (10) Instigation of, participation in, or leadership of strike, work stoppage, slowdown, artificial restriction of productive work or otherwise interfering with the work of other City employees;
- (11) Theft or misappropriation of property of employees or the City;
- (12) Provoking a fight or fighting on the job at any time;
- (13) Carrying weapons of any kind (knives, firearms, explosives), unless job-related and specifically required as a condition of employment; or illegal possession of weapons on City premises at any time;
- (14) Political activity in conflict with the Ethics and Conduct section of this policy;
- (15) Repeated rudeness or intemperate statements to the public, supervisors, officials, or fellow employees;
- (16) Disregard of safety rules or common safety practices;
- (17) Gambling on the job at any time;
- (18) Babysitting children while on duty;
- (19) Solicitation for funds or gifts while representing yourself as a city employee, excluding City sponsored fund raising activities;
- (20) Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another;

- (21) Removing or borrowing City property or equipment without prior authorization;
- (22) Unauthorized use of City equipment, time, materials, or facilities;
- (23) Participating in horseplay or practical jokes on City time or on City property;
- (24) Causing, creating or participating in a disruption of any kind during working hours;
- (25) Using profane or abusive language at any time during working hours or on City premises;
- (26) Unreported absence of two (2) consecutive scheduled workdays;
- (27) Failure to provide a physician's certificate when requested or required to do so;
- (28) Sleeping or malingering on the job;
- (29) Wearing extreme, unprofessional or inappropriate styles of dress or hair while working;
- (30) Committing a fraudulent act or a breach of trust in any circumstances.

SECTION C: PERSONNEL FILE

Except as otherwise required by Georgia law, personnel files are privileged information, and are only to be used for City of Jonesboro personnel actions. Any requests from outside agencies for such information will be forwarded to the City Clerk for action. Employees and their supervisors are permitted to review their personnel files during working hours as requested in the presence of a City Representative at a mutually convenient time.

CHAPTER XI

SEPARATIONS

SECTION A: TYPES OF SEPARATION

Separations or terminations of employees from City of Jonesboro shall be designated as one of the following: Resignation, Abandonment, Lay-Off or Reduction-In-Force, Disability, Loss of Job Requirements, Death, Retirement, or Dismissal.

SECTION B: CITY PROPERTY

At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the employee's Department Director. Department Directors and the separated employee will sign a certification to this effect. Any amount due because of shortage in the above shall be withheld from the employee's final compensation. In the case of a Department Director being terminated, the accounting shall be to the Mayor. All accountings must be forwarded to the City Clerk.

SECTION C: RESIGNATION

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To resign in good standing, an employee shall give notice in writing to the employee's department Director at least ten (10) working days prior to the effective date of the employee's resignation. The Department Director should forward all resignations to the City Clerk within twenty-four (24) hours of receipt. Any full-time or part-time regular employee leaving the service in good standing will be compensated for any unused personal or compensatory leave accrued. An employee who resigns in good standing shall be eligible for rehire as a new employee. Such reinstatement eligibility shall not be considered a right and it is subject to the normal Working Test Period.

SECTION D: ABANDONMENT

Failure to report to work without valid reason and without prior authorization for two (2) consecutive work days may result in separating an employee from the payroll and reporting the employee as having abandoned their position.

SECTION E: LAY-OFF (OR REDUCTION-IN-FORCE)

An involuntary separation not involving delinquency, misconduct, or inefficiency shall be considered a lay-off. To reduce a departmental workforce, employees shall be laid off on the basis of service with the City, criticalness of skill, and past performance of the employee. For a reduction-in-force, the City will endeavor to keep the effected employees in employment elsewhere with the City.

SECTION F: LOSS OF JOB REQUIREMENTS

Any employee who is unable to do a job because of a loss of the necessary license, or who fails to obtain certification as a job requirement, may be terminated.

SECTION G: DEATH

When any employee dies while in the service of City of Jonesboro, all compensation due shall be paid to the legal representative of the employee's estate or the properly designated individual.

SECTION H RETIREMENT

An employee may voluntarily retire, which shall be considered a voluntary separation.

CHAPTER XII

ATTENDANCE AND LEAVE

SECTION A: NORMAL HOURS OF OPERATION

The normal hours of operation of each department are 8 a.m. to 5 p.m. with one (1) hour for lunch, Monday through Friday. Departmental operating hours are subject to change upon approval of the Mayor. Each Department Director shall schedule their full-time personnel for a

minimum forty-hour (40) work week. (Exceptions: Law Enforcement and Public Safety Positions – See Departmental Procedures).

SECTION B: HOLIDAYS

Holidays observed by City employees, unless such employees are required to be on regular duty, shall include:

New Year's Day	Thanksgiving Day
M.L. King Day	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Floating Holiday (effective 1-14-08 and to be decided on by Mayor and Council at 1 st meeting of each year)

And such other days or parts of days may be designated as paid holidays by the City Council. When a holiday falls on a Sunday, the holiday will normally be observed on the following Monday. Holidays that fall during leave shall not be charged against leave. To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday falls and must work your scheduled working day immediately preceding and the scheduled working day immediately following the holiday, unless an absence on either day is approved in advance by your supervisor.

SECTION C: HOLIDAYS FOR PART-TIME EMPLOYEES

Part-time employees shall not be paid for holidays. When an observed holiday falls on a day on which a part-time employee is scheduled to work, the part-time employee may request to reschedule their work with the appropriate Department Director.

SECTION D: PERSONAL LEAVE

- 1. DEFINITION:** Personal leave is paid leave that is earned and to be used for vacations, personal business activities, and other personal activities requiring the employee to be absent from work.
- 2. ELIGIBILITY:** All full-time regular employees shall be entitled to earn and accrue personal leave. An employee must complete six (6) months of continuous service before being eligible to take accrued personal leave. Personal leave will accrue retroactive to the individual's employment date. Part-time regular employees and temporary/seasonal employees are not eligible for accrual of leave.
- 3. APPROVAL:** All leave requests shall be submitted to the City Clerk on the form and schedule designated by the City Clerk and after approval of the employee's Department Director. Personal leave will be scheduled by a Department Director so as to meet the operating requirements of the City with reasonable regard to the wishes of the employee.
- 4. ACCUMULATION RATE:** Full-time employees shall be entitled to earn personal leave with pay at the rate of four (4) hours per pay period. In addition to the regular [0387-0094/261319/1]

accrual, each eligible employee shall receive an additional one (1) day of annual leave for each two (2) years of full-time service with the City, not to exceed twenty-two (22) days per year. This bonus leave will be credited to the employee's account as of the day following the employee's employment anniversary date with the City.

5. **MAXIMUM ACCUMULATION:** Personal leave may be accrued up to 360 hours or 45 days. Personal leave must be earned before it is used. Anticipated leave may not be taken under this plan.
6. **PAYMENT FOR UNUSED LEAVE:** Pay in lieu of accrued personal leave is authorized when an employee is separated from employment by resignation, dismissal, death, disability or retirement. The accrued personal leave of an employee who dies in the service of the City shall be paid to the estate of said employee.

Provided that funds are available, the Mayor can authorize payment for any portion of unused accrued personal leave at any time during the fiscal year.

SECTION E: SICK LEAVE

1. **DEFINITION:** Sick leave is paid leave that is earned and to be used only for (a) actual sickness or injury of the employee; (b) visiting a physician, dentist, optical examination, EAP or hospital by the employee; (c) legal quarantine; (d) care of an immediate family member, to include spouse, children, parents and siblings, required for any of the above reasons; or (e) funeral for an immediate family member.
2. **ELIGIBILITY:** All full-time regular employees shall be entitled to earn and accrue sick leave. Sick leave will become retroactive to the individual's employment date. Part-time and Temporary/seasonal employees are not eligible for accrual of leave.

It is the employee's responsibility to apply for any disability benefits for which he or she may be eligible as a result of illness or disability, including worker's compensation insurance, and/or any short-term disability benefits for which he or she qualifies.

3. **APPROVAL:** All leave requests shall be submitted to the City Clerk on the form and schedule designated by the City Clerk and after approval of the employee's Department Director.

An employee, who is absent from work because of illness, is responsible for reporting to the appropriate supervisor or Department Director by telephone or personal message in the manner prescribed in each department's regulations for sick leave reporting.

4. **ACCUMULATION RATE:** All full-time regular employees shall earn sick leave with pay at the rate of four (4) hours per pay period of the employee's service. In addition to the normal accrual, each employee shall receive one (1) additional day of sick leave for each two (2) years of service with the City not to exceed twenty-two (22) days per year. This bonus leave will be credited to the employee's account the day following the

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employee's anniversary of employment with the City. Employees will not accrue sick leave during unpaid leaves of absence.

5. **MAXIMUM ACCUMULATION:** Sick leave time shall accrue from the date of employment and may be taken as accrued. There is no limit to the amount of accrual for sick leave. Sick leave must be earned before it is used. Anticipated leave may not be taken under this plan.
6. **MEDICAL CERTIFICATION:** An employee may be required to provide medical certification by a health care provider for any sick leave taken if (a) absence is frequent or habitual; or (b) absence in excess of a three (3) day period. The certification must state that you were under the provider's care or treatment for the days in question and that it was the provider's recommendation that you remain off work for that period. An employee who becomes ill while on annual leave may, upon presentation of a medical certificate by a health care provider, be granted sick leave for the period of illness.
7. **SICK LEAVE UPON TERMINATION OF EMPLOYMENT:** An employee, upon separation from service, shall not be eligible to receive payment for any accumulated sick leave. Unused sick leave at time of separation for retirement shall be added to service time at a rate of 20 days equals one month of service.
8. **ABUSE OF SICK LEAVE:** Sick leave is a form of insurance that is accumulated in order to provide a cushion for incapacitation due to illness. It is to be used only when actually required to recover from illness or injury. An employee shall not use sick time leave for vacation or "personal" absences. An employee falsely reporting himself/herself on sick leave shall be subject to disciplinary action up to and including dismissal. The City reserves the right to investigate any possible abuses of sick leave.

SECTION F: MILITARY LEAVE

The City of Jonesboro provides military leaves of absence to employees who serve in the uniformed services as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 and applicable state laws. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and for examinations to determine fitness for duty.

Total military leave time may not exceed five (5) years during employment, except under special circumstances. Advance notice of leave is required. Approved paid military leave allotted by Mayor and Council, is ten (10) days. After expiration of leave allotted, employee must make determination whether to use annual leave or leave without pay. Please inform the Department Director or the Mayor of anticipated military leave time as far in advance as possible. Accrued vacation will be paid during military leave at your request and health plan coverage continuance can be arranged for up to 18 months during military leave if required premium payments are made by you.

Temporary employees may not be eligible for reinstatement following military leave and reinstatement may not be required for other employees in some circumstances. Contact the Mayor for information pertinent to your situation.

As with other leaves of absence, failure to return to work within applicable time limits may result in termination of employment.

SECTION G: BEREAVEMENT (FUNERAL) LEAVE

Regular full time employees may be granted up to 24 hours of bereavement leave (leave of absence with pay) per occurrence, upon the death of a member of the employee's immediate family. Employees working a twenty-eight (28) day work cycle will be granted up to 36 hours of bereavement leave per occurrence, upon the death of member of a member of the employee's immediate family. The immediate family is defined for bereavement purposes as: parent, spouse, child, brother, sister, mother-in-law, father-in-law, grandparents, son-in-law, daughter-in-law, grandchild, step-parents, and step-children.

An employee must request bereavement leave by contacting his/her supervisor before going on leave. The supervisor may require an employee to submit an obituary and other evidence of relationship to the deceased along with the request for bereavement leave or upon the employee's return to work.

There is no accrual of bereavement leave days and no payment for such leave.

SECTION H: CIVIL LEAVE

An employee who is subpoenaed as a witness or is called to serve on a jury in a court of law will be granted paid leave for that period of time for actual service. Employees must notify their supervisor of the need for time off for jury or witness duty as soon as a notice or summons from the court or a subpoena is received, and must present proof of all subpoenaed court appearances to their supervisor prior to the scheduled appearance. Any mileage allowance, fee, etc., paid for jury or witness duty will be credited against any payments made by the City of Jonesboro. The employee may be requested to provide written verification from the court clerk of having served.

Should the employee have to serve in another jurisdiction and the proceedings are dismissed after 1:00PM, the employee will not be expected to return to work. If the employee has to serve in the Clayton County Courthouse or City boundaries, the employee will be expected to return to work if any work time remains after any day of jury or witness duty.

SECTION I: LEAVE WITHOUT PAY

The City Council may grant a full-time regular employee who has completed the Working Test Period a leave of absence without pay for compelling personal or other reasons for a period not to exceed six (6) months. Such leave must be recommended by the employee's Department Director and approved by the Mayor. Such leave shall be considered a privilege and not a right. Leave without pay for a period exceeding six (6) months, but not more than one (1) year, may be granted with the approval of the City Council if it is deemed to be in the best interest of the City.

SECTION J: FAMILY AND MEDICAL LEAVE (FMLA)

The City of Jonesboro will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. No greater or lesser [0387-0094/261319/1]

leave benefits will be granted than those set forth in such federal or state laws. In certain situations, the federal law requires that provisions of the state law apply. In any case, employees will be eligible for the most liberal benefits available under either law.

Please contact your supervisor as soon as you become aware of the need for a family or medical leave. A detailed statement of leave requirements will be provided when a leave is requested.

1. **CONTINUATION OF BENEFITS:** The employee's health, life, and other City provided benefits will continue during the period of leave, not to exceed twelve (12) weeks, under the same conditions that applied before leave commenced. To continue such coverage, the employee must continue to make timely payments of the employee's share of the insurance premium. If the employee fails to return to work upon completion of the approved leave, the employee must reimburse the City for the premiums paid on the employee's behalf during this absence unless the failure to return was for reasons beyond the employee's control.

Vacation and sick leave benefits will not accrue during the leave. An employee on a leave of absence will receive holiday pay in accordance with the holiday policy applicable to them. Upon return from leave of absence, benefit accrual will immediately resume. An employee who takes family or medical leave will not lose any employment benefits that accrued before the leave date began.

2. **RETURN TO WORK:** Upon expiration of leave, the employee will be returned to the employee's original position if available, or an equivalent position with equivalent benefits, pay, and terms and conditions of employment as were enforced at the time leave commenced. A determination as to whether a position is an "equivalent position" shall be made by the City of Jonesboro. However, the employee shall have no greater right to reinstatement than if the employee on family and medical leave would have been laid off had he or she not gone on leave, or if an employee's position is eliminated during the leave, then the employee would not be entitled to reinstatement. If the employee is unable to return to work and does not qualify for additional leave under other provisions of this section, the employee may be terminated.

Certain key employees¹ may be denied job reinstatement if doing so would result in substantial and grievous economic injury to the City of Jonesboro if the employee were reinstated. The City will notify any key employee of his or her status as a key employee upon requesting leave, and of any intention to deny job restoration as soon as the City believes there is a possibility the employee will not be reinstated at the end of the leave, and a reasonable opportunity to return to work at the expiration of the leave will be offered.

Employees who have used FMLA for their own serious health condition are required to submit a medical certification verifying the employee's ability to return to work.

3. **RELATIONSHIP TO OTHER LEAVE:** Family and medical leave shall be without pay, except that an employee is required to apply other accrued paid leave (vacation, sick, compensatory time, holiday) toward the twelve (12) weeks of family leave. Following

¹ A key employee is an employee who is salaried and among the highest paid ten percent of employees employed within 75 miles of his or her work site.

the exhaustion of paid leave, the remainder of the leave period, up to a maximum of twelve weeks, will then consist of unpaid leave.

4. **APPLICATION FOR FMLA:** In all cases, an employee shall request FMLA leave by notifying the employee's Department Director and the Mayor in writing. An employee shall request leave in writing at least thirty (30) days before a leave is to begin. If a thirty (30) day notice is not possible, the employee shall provide a written request within five (5) days of learning of the need for leave and are encouraged to provide as much notice as possible under the circumstances. A written response to an FMLA request will be provided by the Personnel Office to the employee.
5. **INTERMITTENT LEAVE:** An employee who is eligible for family or medical leave as a result of a serious health condition may take leave intermittently or on a reduced leave schedule when medically necessary. However, an intermittent or reduced leave schedule to care for a newborn or newly adopted child may not be taken unless approved by the Department Director and the Mayor. A "reduced leave schedule" is a change in the employee's schedule over several weeks or months, normally from full-time to part-time. Employees on leave for intermittent periods or on a reduced leave schedule may be required to transfer temporarily to an alternative, equivalent position which better accommodates the recurring periods of absence or reduced schedule.

SECTION K: WORKER'S COMPENSATION

Employees are covered under the provisions of the Worker's Compensation Act of the State of Georgia. If an employee is injured while on the job, such injury must be reported to the employee's supervisor immediately. The supervisor must report the injury to the Mayor on the day of occurrence. A **1st Report of Injury form** must be completed and turned into the Mayor as soon as possible.

If an employee who is injured on the job is unable to perform any work and this is substantiated by a doctor's report, the employee may draw Worker's Compensation, up to the limit stipulated by State Law, starting on the eighth day of disability. The City will pay the employee's full salary for any loss time during the first forty (40) hours of a Worker's Compensation disability, and then Workers' Compensation benefits will begin on the eighth day of disability. An employee may use any accumulated leave to cover the period of time between the first forty (40) hours and the eighth (8) day of disability. An employee may also opt to receive only the Worker's Compensation benefits that are authorized by law, which most often will be monetarily less than an individual's normal salary. In any case, no employee may be drawing full pay (provided by the City or accumulated leave) and Worker's Compensation at the same time.

CHAPTER XIII

FULL-TIME REGULAR EMPLOYEE BENEFITS

SECTION A: POLICY

The City provides a tuition reimbursement program to provide training and educational opportunities for the professional growth and development of the City's workforce. Under certain circumstances, reimbursement of tuition and expenses (i.e. books, lab fees, etc.) is allowed to certain eligible employees.

SECTION B: PROCEDURE

1. To be eligible for tuition reimbursement, an employee must be fulltime and have completed one year of service with the City.
2. Employees wishing to enroll in a college course and/or a degree program, or in other schools, programs or short courses of instruction designed to advance specific technical or professional skills offered at an educational institution or a professional certification (CPA, paramedic, etc.) must receive approval from the Review Committee, which is appointed annually by the Mayor.
3. The course work must be related to the employee's current position or to a position for which there is a reasonable expectation of promotion. For purpose of this policy, a "related" course is:
 - a. A required course in a curriculum leading to a degree directly applicable to City services and the employee's career path.
 - b. One or more courses that will improve the abilities and knowledge of the employee in his or her current position.
 - c. Any course or training assigned by management to improve City operations.
4. To be eligible for the tuition reimbursement program, college level course work must be completed through an accredited institution.
5. To be eligible for the tuition reimbursement program, course work completed through correspondence/distance study must be affiliated with an accredited educational institution.
6. Payment of tuition and expenses shall be contingent upon successful completion of the course. For the purposes of this policy, "successful completion" shall mean the attainment of grade "C" (or its equivalent) or higher for each course.
7. Eligible employees shall be reimbursed for successful completion course work as follows: Grade of "A" or "B" or "C": 100% reimbursement
8. Tuition reimbursement for college-level courses will only be made for the actual tuition cost paid by the employee. Tuition paid through scholarships, equalization grants or other similar programs will not be reimbursed by the City. Additionally, employees must

attempt to obtain funding for tuition and expenses from all known available sources prior to being reimbursed by the City.

9. Employees who receive tuition reimbursement under the provisions of this policy shall agree to remain in the City's employ for at least 12 months following completion of said course work. Should said employee resign from the City within 12 months following completion of any course work completed under this policy, the City will require the separating employee to reimburse the City for all educational expenses paid to said employee for such course work.
10. The City will make every effort to provide assistance to all employees seeking reimbursement under the tuition reimbursement program. However, this program shall be subject to annual funding as approved each year by Mayor and Council in the City's annual budget. Changes in the City's financial condition could result in caps on reimbursement, temporary freezes on reimbursement, or suspension of the tuition reimbursement program in its entirety.

CHAPTER XIV

ADOPTION OF POLICIES

SECTION A: AMENDMENT OF PERSONNEL POLICIES & PROCEDURES

These policies may be amended by the governing authority of the City in accordance with its ordinance adoption procedure provided that a notice of the proposed changes to these Personnel Policies shall be posted at a conspicuous place in the City of Jonesboro City Hall for a period of at least fourteen (14) days prior to the effective date of the amendment.

SECTION B: SEVERABILITY

It is intended that the provisions of this ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the ordinance.

SECTION C: REPEAL OF CONFLICTING RESOLUTIONS ORDINANCES

All Resolutions or Ordinances or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION D: EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2017.

APPROVED AND ADOPTED, This _____ day of _____, 2017.

CITY OF JONESBORO CITY COUNCIL:

JOY B. DAY, MAYOR

JACK BRUCE, COUNCILMEMBER

LARRY BOAK, COUNCILMEMBER

BILLY POWELL, COUNCILMEMBER

PAT SEBO, COUNCILMEMBER

ALFRED DIXON, COUNCILMEMBER

ED WISE, COUNCILMEMBER

ATTEST:

Ricky L. Clark., City Manager

This employee handbook contains information about employment policies and practices of the City of Jonesboro. We expect each employee to read this handbook carefully as it is a valuable reference for understanding your job. All previously issued handbooks and any inconsistent policy statements—oral or written—are superseded.

Nothing in this Handbook or any other personnel document, including benefit plan descriptions, is intended to represent or create, in whole or in part, an implied or written contract, promise or representation of continued employment for any employee. The employment relationship between City of Jonesboro and any employee is “at-will” and may be terminated with or without cause and with or without notice at any time, at the discretion of the City Council of Jonesboro. Only the City Council has the authority to alter the “at-will” nature of the nature of this relationship and then only in writing.

This Handbook contains the Personnel Policy and Procedures, the Motor Vehicle Policy including Authorization, the Drug and Alcohol Policy, and the Computer Technology Policy and is for information purposes only. It does not contain all the information you will need during the course of your employment. You will receive additional information through various notices as well as orally through your Supervisor, Department Director, City Clerk and the Mayor.

The City of Jonesboro is committed to reviewing its policies, procedures and benefits periodically. Accordingly, the policies, procedures and benefits outlined in this Handbook are subject to review and change by the City of Jonesboro at any time. Except for the policy of “at-will” employment, which can only be changed by the City Council in writing, the City of Jonesboro reserves the right to revise, delete and add to the provisions of the Handbook. All such revisions, deletions or additions must be in writing and must be approved by the City Council. No oral statements or representations can change the provisions of this Handbook.

Please acknowledge receipt of your copy of this Handbook by signing the Acknowledgement Form at the end of this Handbook and return it to the City Clerk for inclusion in your personnel file within three (3) days of receipt of the policy.

NOTE: Nothing in the City of Jonesboro’s Policy and Procedure Handbook creates a contract of employment, express or implied, for any period of time and does not alter the City of Jonesboro’s Employment “at-will” policy.

INITIAL _____



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-D

5.D

COUNCIL MEETING DATE

March 5, 2018

Requesting Agency (Initiator)

Police

Sponsor(s)

Requested Action (*Identify appropriate Action or Motion, purpose, cost, timeframe, etc.*)

Discussion regarding approval of proposal from Pro Vision for the purchase of 10 (ten) body cameras and docking station for the Police Department.

Requirement for Board Action (*Cite specific Council policy, statute or code requirement*)

Is this Item Goal Related? (*If yes, describe how this action meets the specific Board Focus Area or Goal*)

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Over the past few years we have implemented the use of body cameras with our sworn officers to help mitigate potential situations in the field. These cameras, attached to the officers' uniforms, capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents.

Due to normal wear and tear, the Police Department is requesting to replace ten (10) body cameras that are not working and to rotate out some old ones. In addition, staff is also requesting the purchase of a docking station to download the videos.

BODYCAM® Body-Worn Camera Features:

- Waterproof IP68
- 12 Hour Full-Shift Battery
- 1080p HD Video Quality
- One-Touch Recording
- Selectable Night Vision
- Pre-Event HD Recording
- 20x More Rugged Data Contacts
- 32GB Internal Storage
- 10 Camera Docking Stations
- Unbeatable Value

BODYCAM® Body-Worn Camera Benefits:

- Reliable

Rugged, Waterproof Design

- Simple

One-Touch Recording

- Affordable

More Than 50% Less than Other Brands

BODYCAM® BC-300 HD Body-Worn Camera Kit Includes:

- BODYCAM® BC-300 HD Body-Worn Camera
- Rotating Garment Clip
- 32GB Internal Storage
- DC Wall Charger
- 12V USB Charger Adapter
- USB Download Cable

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 5, 2018

Signature

City Clerk's Office

- BODYCAM® Upload Utility Software License

Purchase Price per Unit: \$295 – Total Investment \$2,950

Purchase Price based off of (10) Units

BODYCAM® Available Options & Accessories:

\$1195... BC-380... 10 Camera USB Docking Station

5.D

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

\$2,950 – Body Cameras

\$1,195 – Docking Station

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

•

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

5.E
-E

COUNCIL MEETING DATE

March 5, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action (*Identify appropriate Action or Motion, purpose, cost, timeframe, etc.*)

Discussion regarding Ordinance 2018-05 to amend the Code of Ordinances, City of Jonesboro, Georgia by amending Section 6-182 (Penalties) in Article VIII (Violations) of Chapter 6 (Alcoholic Beverages and Tobacco Products) therein to add requirement to notify Department of Revenue of Alcohol code violations.

Requirement for Board Action (*Cite specific Council policy, statute or code requirement*)

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

Is this Item Goal Related? (*If yes, describe how this action meets the specific Board Focus Area or Goal*)

No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

In 2010, state law changed to require municipalities to notify the Revenue Department of violations concerning alcohol code violations. O.C.G.A. §3-3-2.1 requires that after issuance of any disciplinary action against licensees or employees of licensed establishments, the City has a duty to notify the Department of Revenue of said violations within a forty-five (45) day period following initiation of the disciplinary action.

Staff is recommending the following amendment to compliant with state law:

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 5, 2018

Signature

City Clerk's Office

is hereby amended by revising Section 6-182, Penalties, of Article VIII, Violations, to read and to be codified as follows:

Sec. 6-182. Penalties.

Any person knowingly violating any provision of this Chapter shall be guilty of an offense against the City, punishable upon citation before the municipal court. Any person convicted for violating any provisions of this Chapter shall be punished by a fine not to exceed \$1,000, imprisonment not to exceed 6 months, or both. These penalties may be levied in addition to those penalties discussed in Section 6-131 where applicable. Pursuant to O.C.G.A. §3-3-2.1, any citation issued to an individual licensee, employee or any person holding a financial interest in the license of the licensee cited with violation of any provision of this Chapter, and any information required in addition to said citation, shall be forwarded to the Georgia Department of Revenue within forty-five (45) days after issuance thereof.

Over the previous year, we had no incidents regarding violations of the Alcoholic Beverage & Tobacco code.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Ord 2018-005 - Alcohol Code Amendment (Reporting to Revenue Dept)

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, GEORGIA BY AMENDING SECTION 6-182 (PENALTIES) IN ARTICLE VIII (VIOLATIONS) OF CHAPTER 6 (ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS) THEREIN TO ADD REQUIREMENT TO NOTIFY DEPARTMENT OF REVENUE OF ALCOHOL CODE VIOLATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Jonesboro, Georgia (the “City”) is the Mayor and Council thereof;

WHEREAS, the City has the power to adopt reasonable regulations promoting the public health, safety and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et seq.*); and Section 1.13(11) of the City’s Charter;

WHEREAS, the Mayor and Council have previously adopted regulations of alcohol distribution, production and consumption in the City and punishment for violations thereof;

WHEREAS, O.C.G.A. §3-3-2.1 requires that after issuance of any disciplinary action against licensees or employees of licensed establishments, the City has a duty to notify the Department of Revenue of said violations within a forty-five (45) day period following initiation of the disciplinary action; and

WHEREAS, the public health, safety and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA, and by the authority thereof:

amended by revising Section 6-182, Penalties, of Article VIII, Violations, to read and to be codified as follows:

Sec. 6-182. Penalties.

Any person knowingly violating any provision of this Chapter shall be guilty of an offense against the City, punishable upon citation before the municipal court. Any person convicted for violating any provisions of this Chapter shall be punished by a fine not to exceed \$1,000, imprisonment not to exceed 6 months, or both. These penalties may be levied in addition to those penalties discussed in Section 6-131 where applicable. Pursuant to O.C.G.A. §3-3-2.1, any citation issued to an individual licensee, employee or any person holding a financial interest in the license of the licensee cited with violation of any provision of this Chapter, and any information required in addition to said citation, shall be forwarded to the Georgia Department of Revenue within forty-five (45) days after issuance thereof.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such

unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro, Georgia.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this _____ day of _____, 2018.

CITY OF JONESBORO, GEORGIA

Joy Day, Mayor

ATTEST:

Ricky L. Clark, Jr., City Manager

APPROVED AS TO FORM:

Steven M. Fincher, City Attorney

1 STATE OF GEORGIA

2 CITY OF JONESBORO

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO,
5 GEORGIA BY AMENDING SECTION 6-182 (PENALTIES) IN ARTICLE VIII
6 (VIOLATIONS) OF CHAPTER 6 (ALCOHOLIC BEVERAGES AND TOBACCO
7 PRODUCTS) THEREIN TO ADD REQUIREMENT TO NOTIFY DEPARTMENT OF
8 REVENUE OF ALCOHOL CODE VIOLATIONS; TO PROVIDE FOR SEVERABILITY; TO
9 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR
10 OTHER LAWFUL PURPOSES.

11 **WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the
12 “City”) is the Mayor and Council thereof;
13

14 **WHEREAS**, the City has the power to adopt reasonable regulations promoting the public
15 health, safety and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II
16 of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-
17 35-1 *et seq.*); and Section 1.13(11) of the City's Charter;

18 **WHEREAS**, the Mayor and Council have previously adopted regulations of alcohol
19 distribution, production and consumption in the City and punishment for violations thereof;

20 **WHEREAS**, O.C.G.A. §3-3-2.1 requires that after issuance of any disciplinary action
21 against licensees or employees of licensed establishments, the City has a duty to notify the
22 Department of Revenue of said violations within a forty-five (45) day period following initiation
23 of the disciplinary action;

24 **WHEREAS**, the public health, safety and general welfare of the citizens of the City will
25 be positively impacted by the adoption of this Ordinance.

26 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
27 **THE CITY OF JONESBORO, GEORGIA**, and by the authority thereof:

28 **Section 1. That the City Code, Chapter 6, Alcoholic Beverages and Tobacco**
29 **Products, is hereby amended by revising Section 6-182, Penalties, of Article VIII,**
30 **Violations, to read and to be codified as follows:**

31 **Sec. 6-182. Penalties.**

32 Any person knowingly violating any provision of this Chapter shall be guilty of an
33 offense against the City, punishable upon citation before the magistrate municipal court.

34 Any person convicted for violating any provisions of this Chapter shall be punished by a
35 fine not to exceed \$1,000, imprisonment not to exceed 126 months, or both. These
36 penalties may be levied in addition to those penalties discussed in Section 6-131 where
37 applicable. Pursuant to O.C.G.A. §3-3-2.1, any citation issued to an individual licensee,
38 employee or any person holding a financial interest in the license of the licensee cited
39 with violation of any provision of this Chapter, and any information required in addition
40 to said citation, shall be forwarded to the Georgia Department of Revenue within forty-
41 five (45) days after issuance thereof.

42 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
43 incorporated by reference as if fully set out herein.

44 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

47 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
48 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
49 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
50 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
51 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
52 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
53 of this Ordinance.

54 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
55 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
56 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
57 express intent of the Mayor and Council that such invalidity, unconstitutionality or
58 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
59 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
60 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
61 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
62 enforceable, and of full force and effect.

63 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
64 expressly repealed.

65 **Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the
66 State of Georgia and the City of Jonesboro, Georgia.

67 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
68 otherwise specified herein.

69 **ORDAINED** this _____ day of _____, 2018.

CITY OF JONESBORO, GEORGIA

Joy Day, Mayor**ATTEST:**

Ricky L. Clark, Jr., City Manager**APPROVED AS TO FORM:**

Steven M. Fincher, City Attorney

71



CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary

Agenda Item #

-F

5.F

COUNCIL MEETING DATE

March 5, 2018

Requesting Agency (Initiator)

Office of the City Manager

Sponsor(s)

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Discussion regarding an amendment to Ordinance 2018-004 revising Chapter 34 ("Environment") Article II ("Soil Erosion, Sedimentation and Pollution Control").

Requirement for Board Action (Cite specific Council policy, statute or code requirement)

Chapter 34 ("Environment") EPD Regulations

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes

Community Planning, Neighborhood and Business Revitalization

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

In January, Mayor & Council adopted the state required revisions to the Soil, Erosion & Sedimentation Pollution Control Ordinance. Upon submittal to EPD, we were notified of additional amendments that were necessary.

The Erosion and Sedimentation Act of 1975 requires that, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, must be consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control In Georgia published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

In order for us to retain our Local Issuing Authority status, it is required that our ordinance directly reflect state regulations.

Fiscal Impact

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Ord 2018-004 (revised) Soil Erosion and Sedimentation Pollution Control O

Staff Recommendation (Type Name, Title, Agency and Phone)

Approval

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title

Ricky L. Clark, City Manager

Date

March, 5, 2018

Signature

City Clerk's Office

1 **STATE OF GEORGIA**
2 **CITY OF JONESBORO**

ORDINANCE NO. 2018-004

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
5 JONESBORO, GEORGIA BY REVISING CHAPTER 34 ("ENVIRONMENT")
6 ARTICLE II ("SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL") TO
7 PROVIDE FOR AMENDMENTS AS REQUIRED BY THE STATE OF GEORGIA; TO
8 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO
9 PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
10 PURPOSES.

11 **WHEREAS**, the duly elected governing authority of the City of Jonesboro, Georgia (the
12 “City”) is the Mayor and Council thereof; and

13 **WHEREAS**, the City previously adopted regulations for soil erosion, sedimentation and
14 pollution control and amended same as required by the Georgia Erosion and Sedimentation Act
15 by the State Environmental Protection Division; and

16 **WHEREAS**, the said ordinance requires additional revisions per request of the Georgia
17 EPD in amending certain definitions to match the revised model ordinance; and

18 **WHEREAS**, the health, safety, and general welfare of the citizens of the City will be
19 positively impacted by the adoption of this Ordinance.

20 BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF
21 THE CITY OF JONESBORO, GEORGIA and by the authority thereof:

22 **Section 1.** The Code of Ordinances, City of Jonesboro, Georgia is hereby amended by revising
23 Article II (“Soil Erosion, Sedimentation and Pollution Control”) of Chapter 34 (“Environment”)
24 as follows:

ARTICLE II. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 34-31. - Title.

29 This article shall be known as the City of Jonesboro Soil Erosion, Sedimentation and
30 Pollution Control Ordinance.

31 **Sec. 34-32. - Definitions.**

32 The following definitions shall apply in the interpretation and enforcement of this
33 ordinance, unless otherwise specifically stated:

34 *Best management practices (BMP's):* These include sound conservation and
35 engineering practices to prevent and minimize erosion and resultant sedimentation, which
36 are consistent with, and no less stringent than, those practices contained in the 'Manual
37 for Erosion and Sediment Control in Georgia published by the Commission as of January
38 1 of the year in which the land-disturbing activity was permitted.

39 *Board:* The Board of Natural Resources.

40 *Buffer:* The area of land immediately adjacent to the banks of state waters in its
41 natural state of vegetation, which facilitates the protection of water quality and aquatic
42 habitat.

43 *Certified personnel:* A person who has successfully completed the appropriate
44 certification course approved by the Georgia Soil and Water Conservation Commission.

45 *City Director:* The director of the City of Jonesboro's Public Works Department
46 and/or his/her designee. This term shall also include personnel designated by Clayton
47 County, Georgia under an agreement between the County and the City of Jonesboro,
48 Georgia.

49 *City of Jonesboro, Georgia:* The duly incorporated municipal government acting as
50 issuing authority under this article. Also known as "City" and "Jonesboro."

51 *Coastal Marshlands* shall have the same meaning as in O.C.G.A. §12-5-282.

52 *Commission: The State Soil and Water Conservation Commission.*

53 CPESC: Certified Professional in Erosion and Sediment Control with current
54 certification by [EnviroCert, Inc.](#), which is also referred to as CPESC or CPESC, Inc.

55 *Cut*: A portion of land surface or area from which earth has been removed or will be
56 removed by excavation; the depth below original ground surface to excavated surface.
57 Also known as "excavation."

58 *Department:* The Georgia Department of Natural Resources (DNR).

59 *Design professional:* A professional licensed by the State of Georgia in the field of:
60 engineering, architecture, landscape architecture, forestry, geology, or land surveying; or
61 a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a
62 current certification by CPESC. Design Professionals shall practice in a manner that
63 complies with applicable Georgia law governing professional licensure.

68 Division: The Environmental Protection Division (EPD) of the Department of
69 Natural Resources (DNR).

70 *Drainage structure:* A device composed of a virtually nonerodible material such as
71 concrete, steel, plastic or other such material that conveys water from one place to
72 another by intercepting the flow and carrying it to a release point for storm-water
73 management, drainage control, or flood control purposes.

74 *Erosion:* The process by which land surface is worn away by the action of wind,
75 water, ice or gravity.

76 *Erosion and sedimentation control plan:* A plan required by the Erosion and
77 Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections, at
78 least as stringent as the State General Permit, best management practices, and
79 requirements in section 34-34 of this Article.

80 *Fill:* A portion of land surface to which soil or other solid material has been added;
81 the depth above the original ground surface or an excavation.

82 *Final stabilization:* All soil disturbing activities at the site have been completed, and
83 that for unpaved areas and areas not covered by permanent structures and areas located
84 outside the waste disposal limits of a landfill cell that has been certified by EPD for waste
85 disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation
86 with a density of 70 percent or greater, or landscaped according to the Plan (uniformly
87 covered with landscaping materials in planned landscape areas) or equivalent permanent
88 stabilization measures as defined in the Manual (excluding a crop of annual vegetation
89 and seeding of target crop perennials appropriate for the region). Final stabilization
90 applies to each phase of construction.

91 *Finished grade:* The final elevation and contour of the ground after cutting or filling
92 and conforming to the proposed design.

93 *Grading:* Altering the shape of ground surfaces to a predetermined condition; this
94 includes stripping, cutting, filling, stockpiling and shaping or any combination thereof
95 and shall include the land in its cut or filled condition.

96 *Ground elevation:* The original elevation of the ground surface prior to cutting or
97 filling.

98 *Issuing authority:* The City of Jonesboro, Georgia (City) as a governing authority
99 which has been certified by the Director of the Environmental Protection Division of the
100 Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and
101 Sedimentation Act of 1975, as amended, or the division in those instances where an
102 application for a permit is submitted to the division.

103 *Land-disturbing activity:* Any activity which may result in soil erosion from water or
104 wind and the movement of sediments into state waters or onto lands within the state,
105 including, but not limited to, clearing, dredging, grading, excavating, transporting, and
106 filling of land but not including agricultural practices as described in Section 34-33.

107 *Larger common plan of development or sale:* A contiguous area where multiple
108 separate and distinct construction activities are occurring under one plan of development
109 or sale. For the purposes of this paragraph, "plan" means an announcement; piece of
110 documentation such as a sign, public notice or hearing, sales pitch, advertisement,
111 drawing, permit application, zoning request, or computer design; or physical demarcation
112 such as boundary signs, lot stakes, or surveyor markings, indicating that construction
113 activities may occur on a specific plot.

114 *Metropolitan River Protection Act (MRPA):* A state law referenced as the O.C.G.A.
115 § 12-5-440 et. seq., which addresses environmental and developmental matters in certain
116 metropolitan river corridors and their drainage basins.

117 *Natural ground surface:* The ground surface in its original state before any grading,
118 excavation or filling.

119 *Nephelometric turbidity units (NTU):* Numerical units of measure based upon
120 photometric analytical techniques for measuring the light scattered by finely divided
121 particles of a substance in suspension. This technique is used to estimate the extent of
122 turbidity in water in which colloidally dispersed or suspended particles are present.

123 *NOI:* A notice of intent form provided by EPD for coverage under the State General
124 Permit.

125 *NOT:* A notice of termination form provided by EPD to terminate coverage under the
126 State General Permit.

127 *One hundred year flood plain:* The land in a flood-plain subject to a one percent or
128 greater statistical occurrence probability of flooding in any given year.

129 *Operator:* The party or parties that have: (A) operational control of construction
130 project plans and specifications, including the ability to make modifications to those
131 plans and specifications; or (B) day-to-day operational control of those activities that are
132 necessary to ensure compliance with an erosion, sedimentation and pollution control plan
133 for the site or other permit conditions, such as a person authorized to direct workers at a
134 site to carry out activities required by the erosion, sedimentation and pollution control
135 plan or to comply with other permit conditions.

136 *Outfall:* The location where storm water in a discernible, confined and discrete
137 conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a
138 point source discharging into that receiving water.

139 *Permit:* The authorization necessary to conduct a land-disturbing activity under the
140 provisions of this Article.

141 *Person*: Any individual, partnership, firm, association, joint venture, public or
142 private corporation, trust, estate, commission, board, public or private institution, utility,
143 cooperative, state agency, municipality or other political subdivision of this state, any
144 interstate body or any other legal entity.

145 *Phase or phased*: Sub-parts or segments of construction projects where the sub-part
146 or segment is constructed and stabilized prior to completing construction activities on the
147 entire construction site.

148 *Project*: The entire proposed development project regardless of the size of the area of
149 land to be disturbed.

150 *Properly designed*: Designed in accordance with the design requirements and
151 specifications contained in the “Manual for Erosion and Sediment Control in Georgia”
152 (Manual) published by the Georgia Soil and Water Conservation Commission as of
153 January 1 of the year in which the land disturbing activity was permitted and amendments
154 to the Manual as approved by the Commission up until the date of NOI submittal.

155 *Roadway drainage structure*: A device such as a bridge, culvert, or ditch, composed
156 of a virtually nonerodible material such as concrete, steel, plastic, or other such material
157 that conveys water under a roadway by intercepting the flow on one side of a traveled
158 roadway consisting of one or more defined lanes, with or without shoulders areas, and
159 carrying waters to a release point on the other side.

160 *Sediment*: Solid material, both organic and inorganic, that is in suspension, is being
161 transported, or has been moved from its site of origin by air, water, ice, or gravity as a
162 product of erosion.

163 *Sedimentation:* The process by which eroded material is transported and deposited
164 by the action of water, wind, ice or gravity.

165 *State general permit:* The National Pollution Discharge Elimination System
166 (NPDES) general permit or permits for storm water runoff from construction activities as
167 is now in effect or as may be amended or reissued in the future pursuant to the state's
168 authority to implement the same through federal delegation under the Federal Water
169 Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of
170 Code section 12-5-30.

171 *Soil and water conservation district approved plan:* An erosion, sedimentation and
172 pollution control plan approved in writing by the Clayton County Soil and Water
173 Conservation District for Clayton County Land Disturbing Activities.

174 *Stabilization:* The process of establishing an enduring soil cover of vegetation by the
175 installation of temporary or permanent structures for the purpose of reducing to a
176 minimum the erosion process and the resultant transport of sediment by wind, water, ice
177 or gravity.

178 *State waters:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds,
179 drainage systems, springs, wells, and other bodies of surface or subsurface water, natural
180 or artificial, lying within or forming a part of the boundaries of the state which are not
181 entirely confined and retained completely upon the property of a single individual,
182 partnership, or corporation.

183 *Structural erosion and sedimentation control practices:* Practices for the stabilization
184 of erodible or sediment-producing areas by utilizing the mechanical properties of matter
185 for the purpose of either changing the surface of the land or storing, regulating or

186 disposing of runoff to prevent excessive sediment loss. Examples of structural erosion
187 and sediment control practices are riprap, sediment basins, dikes, level spreaders,
188 waterways or outlets, diversions, grade stabilization structures, sediment traps and land
189 grading, etc. Such practices can be found in the publication Manual for Erosion and
190 Sediment Control in Georgia.

191 *Trout streams:* All streams or portions of streams within the watershed as designated
192 by the Wildlife Resources Division of the Georgia Department of Natural Resources
193 under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in
194 the rules and regulations for Water Quality Control, Chapter 391-3-6 at
195 www.epd.georgia.gov. Streams designated as primary trout waters are defined as water
196 supporting a self-sustaining population of rainbow, brown or brook trout. Streams
197 designated as secondary trout waters are those in which there is no evidence of natural
198 trout reproduction, but are capable of supporting trout throughout the year. First order
199 trout waters are streams into which no other streams flow except springs.

200 *Vegetative erosion and sedimentation control measures:* Measures for the
201 stabilization of erodible or sediment-producing areas by covering the soil with:

202 (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
203 (2) Temporary seeding, producing short-term vegetative cover; or
204 (3) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can
205 be found in the publication Manual for Erosion and Sediment Control in Georgia.

206 *Watercourse:* Any natural or artificial watercourse, stream, river, creek, channel,
207 ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water
208 flows either continuously or intermittently and which has a definite channel, bed and

209 banks, and including any area adjacent thereto subject to inundation by reason of
210 overflow or floodwater.

211 *Wetlands:* Those areas that are inundated or saturated by surface or ground water at a
212 frequency and duration sufficient to support, and that under normal circumstances do
213 support a prevalence of vegetation typically adapted for life in saturated soil conditions.
214 Wetlands generally include swamps, marshes, bogs, and similar areas.

215 **Sec. 34-33. - Exemptions.**

216 This Article shall apply to any land-disturbing activity undertaken by any person on
217 any land except the following:

218 (a)

219 (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The
220 Georgia Surface Mining Act of 1968".

221 (2) Granite quarrying and land clearing for such quarrying;

222 (3) Such minor land-disturbing activities as home gardens and individual
223 home landscaping, repairs, maintenance work, and other related activities
224 which result in minor soil erosion;

225 (4) The construction of single-family residences, when such construction
226 disturbs less than one acre and is not a part of a larger common plan of
227 development or sale with a planned disturbance of equal to or greater than
228 one acre and not otherwise exempted under this paragraph; provided,
229 however, that construction of any such residence shall conform to the
230 minimum requirements as set forth in O.C.G.A. §12-7-6 Section 34-34 of
231 this Article. For single-family residence construction covered by the
232 provisions of this paragraph, there shall be a buffer zone between the

233 residence and any state waters classified as trout streams pursuant to
234 Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any
235 such buffer zone, no land-disturbing activity shall be constructed between
236 the residence and the point where vegetation has been wrested by normal
237 stream flow or wave action from the banks of the trout waters. For primary
238 trout waters, the buffer zone shall be at least 50 horizontal feet, and no
239 variance to a smaller buffer shall be granted. For secondary trout waters,
240 the buffer zone shall be at least 50 horizontal feet, but the Director may
241 grant variances to no less than 25 feet. Regardless of whether a trout
242 stream is primary or secondary, for first order trout waters, which are
243 streams into which no other streams flow except for springs, the buffer
244 shall be at least 25 horizontal feet, and no variance to a smaller buffer
245 shall be granted. The minimum requirements of subsection (b) of
246 O.C.G.A. §12-7-6 and the buffer zones provided by this paragraph shall be
247 enforced by the Issuing Authority;

248 (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to
249 include raising, harvesting or storing of products of the field or orchard;
250 feeding, breeding or managing livestock or poultry; producing or storing
251 feed for use in the production of livestock, including but not limited to
252 cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the
253 production of poultry, including but not limited to chickens, hens and
254 turkeys; producing plants, trees, fowl, or animals; the production of aqua

255 culture, horticultural, dairy, livestock, poultry, eggs and aparian products;
256 farm buildings and farm ponds;

257 (6) Forestry land management practices, including harvesting; provided,
258 however, that when such exempt forestry practices cause or result in land-
259 disturbing or other activities otherwise prohibited in a buffer, as
260 established in paragraphs (15) and (16) of section 34-34(c) of this Article,
261 no other land-disturbing activities, except for normal forest management
262 practices, shall be allowed on the entire property upon which the forestry
263 practices were conducted for a period of three years after completion of
264 such forestry practices;

265 (7) Any project carried out under the technical supervision of the Natural
266 Resources Conservation Service (NRSC) of the United States Department
267 of Agriculture;

268 (8) Any project involving less than one (1) of disturbed area; provided,
269 however, that this exemption shall not apply to any land-disturbing
270 activity within a larger common plan of development or sale with a
271 planned disturbance of equal to or greater than one (1) acre or within 200
272 feet of the bank of any state waters, and for purposes of this paragraph,
273 "State Waters" excludes channels and drainageways which have water in
274 them only during and immediately after rainfall events and intermittent
275 streams which do not have water in them year-round; provided, however,
276 that any person responsible for a project which involves less than one (1)
277 acre, which involves land-disturbing activity, and which is within 200 feet

278 of any such excluded channel or drainageway, must prevent sediment
279 from moving beyond the boundaries of the property on which such project
280 is located and provided, further, that nothing contained herein shall
281 prevent the city from regulating any such project which is not specifically
282 exempted by paragraphs (1) through (10) of this Section;

283 (9) Construction or maintenance projects, or both, undertaken or financed in
284 whole or in part, or both, by the Department of Transportation, the
285 Georgia Highway Authority, or the State Tollway Authority; or any road
286 construction or maintenance project, or both, undertaken by any county or
287 municipality; provided, however, that such projects shall conform to the
288 minimum requirements set forth in section 34-34(b) and (c) of this Article;
289 provided further that construction or maintenance projects of Department
290 of Transportation or State Tollway Authority which disturb one or more
291 contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-
292 7.1; except where the Department of Transportation, the Georgia Highway
293 Authority, or the State Road and Tollway Authority is a secondary
294 permittee for a project located within a larger common plan of
295 development or sale under the State General Permit, in which case a copy
296 of a notice of intent under the State General Permit shall be submitted to
297 the city, the city shall enforce compliance with the minimum requirements
298 set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and
299 violations shall be subject to the same penalties as violations by permit
300 holders; and

301 (10) Any land-disturbing activities conducted by any electric membership
302 corporation or municipal electrical system or any public utility under the
303 regulatory jurisdiction of the Public Service Commission, any utility under
304 the regulatory jurisdiction of the Federal Energy Regulatory Commission,
305 any cable television system as defined in O.C.G.A. § 36-18-1, or any
306 agency or instrumentality of the United States engaged in the generation,
307 transmission, or distribution of power; except where an electric
308 membership corporation or municipal electrical system or any public
309 utility under the regulatory jurisdiction of the Public Service Commission,
310 any utility under the regulatory jurisdiction of the Federal Energy
311 Regulatory Commission, any cable television system as defined in
312 O.C.G.A. § 36-18-1, or any agency or instrumentality of the United states
313 engaged in the generation, transmission, or distribution of power is a
314 secondary permittee for a project located within a larger common plan of
315 development or sale under the State General Permit, in which case the
316 City shall enforce compliance with the minimum requirements set forth in
317 O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be
318 subject to the same penalties as violations by permit holders; and

319 (11) Any public water system reservoir.

320 (b) Where this Section requires compliance with the minimum requirements set forth
321 in section 34-34(b) and (c) of this Article, the city shall enforce compliance with
322 the minimum requirements as if a permit had been issued and violations shall be
323 subject to the same penalties as violations by permit holders.

324 **Sec. 34-34. - Minimum requirements for erosion and sedimentation control using**
325 **best management practices.**

326 (a) *General provisions.* Excessive soil erosion and resulting sedimentation can take
327 place during land-disturbing activities if requirements of the ordinance and the
328 NPDES General Permit are not met. Therefore, plans for those land-disturbing
329 activities which are not excluded by this Article shall contain provisions for
330 application of soil erosion and sedimentation control measures and practices. The
331 provisions shall be incorporated into the erosion, sedimentation, and pollution
332 control plans. Soil erosion, sedimentation, and pollution control measures and
333 practices shall conform to the minimum requirements of section 34-34(b) and (c)
334 of this Article. The application of measures and practices shall apply to all
335 features of the site, including street and utility installations, drainage facilities and
336 other temporary and permanent improvements. Measures shall be installed to
337 prevent or control erosion and sedimentation pollution during all stages of any
338 land-disturbing activity in accordance with requirements of this ordinance and the
339 NPDES General Permit.

340 (b) *Minimum requirements/BMP's.*

341 (1) Best management practices as set forth in section 34-34(b) and (c)
342 of this article shall be required for all land-disturbing activities.
343 Proper design, installation, and maintenance of best management
344 practices shall constitute a complete defense to any action by the
345 Director or to any other allegation of noncompliance with
346 paragraph (2) of this subsection or any substantially similar terms

347 contained in a permit for the discharge of stormwater issued
348 pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia
349 Water Quality Control Act." As used in this subsection the terms
350 "proper design" and "properly designed" mean designed in
351 accordance with the hydraulic design specifications contained in
352 the "Manual for Erosion and Sediment Control in Georgia"
353 specified in O.C.G.A. 12-7-6 subsection (b).

354 (2) A discharge of stormwater runoff from disturbed areas where best
355 management practices have not been properly designed, installed,
356 and maintained shall constitute a separate violation of any land-
357 disturbing permit issued by the city or by the Division or of any
358 State General Permit for construction activities issued by the
359 Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the
360 "Georgia Water Quality Control Act," for each day on which such
361 discharge results in the turbidity of receiving waters being
362 increased by more than twenty-five (25) nephelometric turbidity
363 units for waters supporting warm water fisheries or by more than
364 ten (10) nephelometric turbidity units for waters classified as trout
365 waters. The turbidity of the receiving waters shall be measured in
366 accordance with guidelines to be issued by the Director. This
367 paragraph shall not apply to any land disturbance associated with
368 the construction of single family homes which are not part of a
369 larger common plan of development or sale unless the planned

370 disturbance for such construction is equal to or greater than five (5)
371 acres.

372 (3) Failure to properly design, install, or maintain best management
373 practices shall constitute a violation of any land-disturbing permit
374 issued by a local issuing authority or by the Division or any State
375 General Permit issued by the Division pursuant to subsection (f) of
376 O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act," for
377 each day on which such failure occurs.

378 (4) The Director may require, in accordance with regulations adopted
379 by the Board, reasonable and prudent monitoring of the turbidity
380 level of receiving waters into which discharges from land-
381 disturbing activities.

382 (5) The LIA may set more stringent buffer requirements than stated in
383 subsection (c)(15) – (17) below, in light of O.C.G.A. § 12-7-6 (c).

384 (c) The rules and regulations, ordinances, or resolutions adopted pursuant to
385 O.C.G.A. § 12-7-1 et. seq. for the purpose of governing land-disturbing
386 activities shall require, as a minimum, protections at least as stringent as
387 the state general permit; and best management practices, including sound
388 conservation and engineering practices to prevent and minimize erosion
389 and resultant sedimentation, which are consistent with, and no less
390 stringent than, those practices contained in the Manual for Erosion and
391 Sediment Control in Georgia published by the Georgia Soil and Water
392 Conservation Commission as of January 1 of the year in which the land-
393 disturbing activity was permitted, as well as the following:

394 (1) Stripping of vegetation, regrading and other development activities
395 shall be conducted in a manner so as to minimize erosion;

396 (2) Cut-fill operations must be kept to a minimum;

397 (3) Development plans must conform to topography and soil type so as
398 to create the lowest practicable erosion potential;

399 (4) Whenever feasible, natural vegetation shall be retained, protected
400 and supplemented;

401 (5) The disturbed area and the duration of exposure to erosive
402 elements shall be kept to a practicable minimum;

403 (6) Disturbed soil shall be stabilized as quickly as practicable;

404 (7) Temporary vegetation or mulching shall be employed to protect
405 exposed critical areas during development;

406 (8) Permanent vegetation and structural erosion control practices shall
407 be installed as soon as practicable;

408 (9) To the extent necessary, sediment in run-off water must be trapped
409 by the use of debris basins, sediment basins, silt traps, or similar
410 measures until the disturbed area is stabilized. As used in this
411 paragraph, a disturbed area is stabilized when it is brought to a
412 condition of continuous compliance with the requirements of
413 O.C.G.A. § 12-7-1 et. seq.;

414 (10) Adequate provisions must be provided to minimize damage from
415 surface water to the cut face of excavations or the sloping of fills;

416 (11) Cuts and fills may not endanger adjoining property;

417 (12) Fills may not encroach upon natural watercourses or constructed
418 channels in a manner so as to adversely affect other property
419 owners;

420 (13) Grading equipment must cross flowing streams by means of
421 bridges or culverts except when such methods are not feasible,
422 provided, in any case, that such crossings are kept to a minimum;

423 (14) Land-disturbing activity plans for erosion, sedimentation, pollution
424 control shall include provisions for treatment or control of any
425 source of sediments and adequate sedimentation control facilities
426 to retain sediments on-site or preclude sedimentation of adjacent
427 waters beyond the levels specified in section 34-34(b)(2) of this
428 Article;

429 (15) Except as provided in paragraph (16) and (17) of this Subsection,
430 there is established a 25-foot buffer along the banks of all state
431 waters, as measured horizontally from the point where vegetation
432 has been wrested by normal stream flow or wave action, except
433 where the Director determines to allow a variance that is at least as
434 protective of natural resources and the environment, where
435 otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8,
436 or where a drainage structure or a roadway drainage structure must
437 be constructed, provided that adequate erosion control measures
438 are incorporated in the project plans and specifications, and are
439 implemented; or where bulkheads and sea walls are installed to

440 prevent shoreline erosion on Lake Oconee and Lake Sinclair; or
441 along any ephemeral stream. As used in this provision, the term
442 'ephemeral, stream' means a stream: that under normal
443 circumstances has water flowing only during and for a short
444 duration after precipitation events; that has the channel located
445 above the ground-water table year round; for which ground water
446 is not a source of water, and for which runoff from precipitation is
447 the primary source of water flow, unless exempted as along an
448 ephemeral stream, the buffers of at least 25 feet established
449 pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia
450 Water Quality Control Act," shall remain in force unless a variance
451 is granted by the Director as provided in this paragraph. The
452 following requirements shall apply to any such buffer:
453 a. No land-disturbing activities shall be conducted within a
454 buffer and a buffer shall remain in its natural, undisturbed
455 state of vegetation until all land-disturbing activities on the
456 construction site are completed. Once the final stabilization
457 of the site is achieved, a buffer may be thinned or trimmed
458 of vegetation as long as a protective vegetative cover
459 remains to protect water quality and aquatic habitat and a
460 natural canopy is left in sufficient quantity to keep shade on
461 the stream bed; provided, however, that any person
462 constructing a single-family residence, when such

463 residence is constructed by or under contract with the
464 owner for his or her own occupancy, may thin or trim
465 vegetative in a buffer at any time as long as protective
466 vegetation cover remains to protect water quality and
467 aquatic habitat and a natural canopy is left in sufficient
468 quantity to keep shade on the stream bed; and

469 b. The buffer shall not apply to the following land-disturbing
470 activities, provided that they occur at an angle, as measured
471 from the point of crossing, within 25 degrees of
472 perpendicular to the stream; cause a width of disturbance of
473 not more than 50 feet within the buffer; and adequate
474 erosion control measures are incorporated into the project
475 plans and specifications and are implemented: (i) Stream
476 crossings for water lines; or (ii) Stream crossings for sewer
477 lines; and

478 (16) There is established a 50-foot buffer as measured horizontally from
479 the point where vegetation has been wrested by normal stream
480 flow or wave action, along the banks of any state waters classified
481 as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12,
482 the "Georgia Water Quality Control Act," except where a roadway
483 drainage structure must be constructed; provided however, that
484 small springs and streams classified as trout streams which
485 discharge an average annual flow of 25 gallons per minute or less

486 shall have a 25-foot buffer or they may be piped, at the discretion
487 of the landowner, pursuant to the terms of a rule providing for a
488 general variance promulgated by the Board, so long as any such
489 pipe stops short of the downstream landowner's property and the
490 landowner complies with the buffer requirement for any adjacent
491 trout streams. The Director may grant a variance from such buffer
492 to allow land-disturbing activity, provided that adequate erosion
493 control measures are incorporated in the project plans and
494 specifications and are implemented. The following requirements
495 shall apply to such buffer:

496 a. No land-disturbing activities shall be conducted within a
497 buffer and a buffer shall remain in its natural, undisturbed
498 state of vegetation until all land-disturbing activities on the
499 construction site are completed. Once the final stabilization
500 of the site is achieved, a buffer may be thinned or trimmed
501 of vegetation as long as a protective vegetative cover
502 remains to protect water quality and aquatic habitat and a
503 natural canopy is left in sufficient quantity to keep shade on
504 the stream bed; provided, however, that any person
505 constructing a single-family residence, when such
506 residence is constructed by or under contract with the
507 owner for his or her own occupancy, may thin or trim
508 vegetation in a buffer at any time as long as protective

509 vegetative cover remains to protect water quality and
510 aquatic habitat and a natural canopy is left in sufficient
511 quantity to keep shade on the stream bed; and

512 b. The buffer shall not apply to the following land-disturbing
513 activities, provided that they occur at an angle, as measured
514 from the point of crossing, within 25 degrees of
515 perpendicular to the stream; cause a width of disturbance of
516 not more than 50 feet within the buffer; and adequate
517 erosion control measures are incorporated into the project
518 plans and specifications and are implemented: (i) Stream
519 crossings for water lines; or (ii) Stream crossings for sewer
520 lines; and

521 (17) There is established a 25 foot buffer along coastal marshlands, as
522 measured horizontally from the coastal marshland-upland
523 interface, as determined in accordance with Chapter 5 of Title 12
524 of this O.C.G.A., the "Coastal Marshlands Protection Act of
525 1970." And the rules and regulations promulgated thereunder,
526 except where the Director determines to allow a variance that is at
527 least as protective of natural resources and the environment, where
528 otherwise allowed by the Director pursuant to O.C.G.A. §12-2-8,
529 where an alteration within the buffer area has been authorized
530 pursuant to O.C.G.A. §12-5-286, for maintenance of any currently
531 serviceable structure, landscaping, or hardscaping, including

555 after damage occurs. "Maintenance" does not include any
556 modification that changes the character, scope or size of the
557 original design and "serviceable" shall be defined as usable in its
558 current state or with minor maintenance but not so degraded as to
559 essentially require reconstruction.

560 a. No land-disturbing activities shall be conducted within a
561 buffer and a buffer shall remain in its natural, undisturbed,
562 state of vegetation until all land-disturbing activities on the
563 construction site are completed. Once the final stabilization
564 of the site is achieved, a buffer may be thinned or trimmed
565 of vegetation as long as a protective vegetative cover
566 remains to protect water quality and aquatic habitat;
567 provided, however, that any person constructing a single-
568 family residence, when such residence is constructed by or
569 under contract with the owner for his or her own
570 occupancy, may thin or trim vegetation in a buffer at any
571 time as long as protective vegetative cover remains to
572 protect water quality and aquatic habitat;

573 b. The buffer shall not apply to crossings for utility lines that
574 cause a width of disturbance of not more than 50 feet
575 within the buffer, provided, however, that adequate erosion
576 control measures are incorporated into the project plans and
577 specifications and such measures are fully implemented;

578 c. The buffer shall not apply to any land-disturbing activity
579 conducted pursuant to and in compliance with a valid and
580 effective land-disturbing permit issued subsequent to April
581 22, 2014, and prior to December 31, 2015; provided,
582 however, that adequate erosion control measures are
583 incorporated into the project plans and specifications and
584 such measures are fully implemented or any lot for which
585 the preliminary plat has been approved prior to December
586 31, 2015 if roadways, bridges, or water and sewer lines
587 have been extended to such lot prior to the effective date of
588 this Act and if the requirement to maintain a 25 foot buffer
589 would consume at least 18 percent of the high ground of
590 the platted lot otherwise available for development;
591 provided, however, that adequate erosion control measures
592 are incorporated into the project plans and specifications
593 and such measures are fully implemented; and
594 d. Activities where the area within the buffer is not more than
595 500 square feet or that have a “Minor Buffer Impact” as
596 defined in Ga. Reg. §391-3-7-.01(r), provided that the total
597 area of buffer impacts is less than 5,000 square feet are
598 deemed to have an approved buffer variance by rule. Bank
599 stabilization structures are not eligible for coverage under
600 the variance by rule and notification shall be made to the

Division at least 14 days prior to the commencement of land disturbing activities.

- (d) Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent an issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in section 34-34(b) and (c) of this Article.
- (e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

Sec. 34-35. - Application/permit process.

- (a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans . The City shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this Article, and any other ordinances, rules, regulations or permits which regulate the development of land within the jurisdictional boundaries of the city. However, the owner and/or operator are the only parties who may obtain a permit.
- (b) *Application requirements.*
 - (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Jonesboro without first obtaining a

625
626 (2) The application for a permit shall be submitted to the City Director and
627 must include the applicant's erosion, sedimentation and pollution control
628 plan with supporting data, as necessary. Said plans shall include, as a
629 minimum, the data specified in section 34-35(c) of this article. Soil
630 erosion and sedimentation control plans shall conform to the provisions of
631 section 34-34(b) and (c) of this Article. Erosion, sedimentation and
632 pollution control plans, together with supporting data, must demonstrate
633 affirmatively that the land disturbing activity proposed will be carried out
634 in such a manner that the provisions of section 34-34(b) and (c) of this
635 Article will be met. Applications for a permit will not be accepted unless
636 accompanied by four copies of the applicant's erosion, sedimentation, and
637 pollution control plans. All applications shall contain a certification stating
638 that the plan preparer or the designee thereof visited the site prior to
creation of the plan in accordance with EPD Rule 391-3-7-10.

639 (3) A local fee, in the amount of \$50.00 shall be charged for each acre or
640 fraction thereof in commercial projects, a minimum of \$200.00 shall be
641 charged up to a maximum fee of \$1,000.00. A residential projects local fee
642 in the amount of \$10.00 shall be charged per lot, a minimum of \$200.00
643 shall be charged up to a maximum of \$1,000.00 for residential
644 development. All applicable fees shall be paid prior to issuance of the land
645 disturbance permit. In addition to the local permitting fees, fees will also

646 be assessed pursuant to paragraph (5) subsection a. of O.C.G.A. § 12-5-23,
647 provided that such fees shall not exceed \$80.00 per acre of land-disturbing
648 activity, and these fees shall be calculated and paid by the primary
649 permittee as defined in the state general permit for each acre of land-
650 disturbing activity included in the planned development or each phase of
651 development. All applicable fees shall be paid prior to the issuance of the
652 land disturbance permit. In a jurisdiction that is certified pursuant to
653 subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be
654 submitted to the Division; except that any and all fees due from an entity
655 which is required to give notice pursuant to paragraph (9) or (10) of
656 O.C.G.A. § 12-7-17 shall be submitted in full to the Division.

657 (4) Immediately upon receipt of an application and plan for a permit, the City
658 shall refer the application and plan to the District for its review and
659 approval or disapproval concerning the adequacy of the erosion,
660 sedimentation and pollution control plan. The District shall approve or
661 disapprove a plan within 35 days of receipt. Failure of the District to act
662 within 35 days shall be considered an approval of the pending plan. The
663 results of the District review shall be forwarded to the City. No permit will
664 be issued unless the plan has been approved by the District, and any
665 variances required by section 34-34(c)(15), (16), and (17) have been
666 obtained, all fees have been paid and bonding, if required as per section
667 34-35(b)(5)b., have been obtained. Such review will not be required if the
668 City and the District have entered into an agreement which allows the City

669 to conduct such review and approval of the plan without referring the
670 application and plan to the District. The City shall approve or disapprove a
671 revised Plan submittal within 35 days of receipt. Failure of the City to act
672 within 35 days shall be considered an approval of the revised Plan
673 submittal.

674 (5) The following shall apply to all applicants:

675 a. If a permit applicant has had two or more violations of previous
676 permits, this Article section, or the Erosion and Sedimentation Act,
677 as amended, within three years prior to the date of filing the
678 application under consideration, the City may deny the permit
679 application.

680 (6) The City may require the permit applicant to post a bond in the form of
681 government security, cash, irrevocable letter of credit, or any combination
682 thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of
683 the proposed land-disturbing activity, prior to issuing the permit. If the
684 applicant does not comply with this Article or with the conditions of the
685 permit after issuance, the City may call the bond or any part thereof to be
686 forfeited and may use the proceeds to hire a contractor to stabilize the site
687 of the land-disturbing activity and bring it into compliance. These
688 provisions shall not apply unless there is in effect an ordinance or statute
689 specifically providing for hearing and judicial review of any determination
690 or order of the City with respect to alleged permit violations.

691 (c) *Plan requirements.*

692 (1) Plans must be prepared to meet the minimum requirements as contained in
693 section 34-34(b) and (c) of this Article, or through the use of more
694 stringent, alternate design criteria which conform to sound conservation
695 and engineering practices. The Manual for Erosion and Sediment Control
696 in Georgia is hereby incorporated by reference into this Article and a copy
697 of thereof is kept in the office of the City Director or his or her designee.
698 The plan for the land-disturbing activity shall consider the
699 interrelationship of the soil types, geological and hydrological
700 characteristics, topography, watershed, vegetation, proposed permanent
701 structures including roadways, constructed waterways, sediment control
702 and storm water management facilities, local ordinances and State laws.
703 Maps, drawings and supportive computations shall bear the signature and
704 seal of the certified design professional. Persons involved in land
705 development design, review, permitting, construction, monitoring, or
706 inspections or any land disturbing activity shall meet the education and
707 training certification requirements, dependent on his or her level of
708 involvement with the process, as developed by the Commission and in
709 consultation with the Division and the Stakeholder Advisory Board
710 created pursuant to O.C.G.A. § 12-7-20.

711 (2) Data required for Site Plan shall include all the information required from
712 the appropriate erosion, sedimentation and pollution control plan review
713 checklist established by the Commission as of January 1st of the year in
714 which the land-disturbing activity was permitted.

715 (d) *Permits.*

716 (1) Permits shall be issued or denied as soon as practicable but in any event
717 not later than forty-five (45) days after receipt by the City of a completed
718 application, providing variances and bonding are obtained, where
719 necessary, and all applicable fees have been paid prior to permit issuance.
720 Incomplete applications shall be considered denied and the applicant must
721 reapply. No amendments to applications will be allowed. The permit shall
722 include conditions under which the activity may be undertaken.

723 (2) No permit shall be issued by the City unless the erosion, sedimentation
724 and pollution control plan has been approved by the District and the City
725 has affirmatively determined that the Plan is in compliance with this
726 Article, any variances required by section 34-34(b) and (c)(15), (16) and
727 (17) are obtained, bonding requirements, if necessary, as per section 34-
728 35(b)(5)b. are met and all ordinances and rules and regulations in effect
729 within the jurisdictional boundaries of the City are met. If the permit is
730 denied, the reason for denial shall be furnished to the applicant.

731 (3) If the tract is to be developed in phases, then a separate permit shall be
732 required for each phase.

733 (4) The permit may be suspended, revoked, or modified by the City, as to all
734 or any portion of the land affected by the Plan, upon finding that the
735 holder or his successor in title is not in compliance with the approved
736 erosion, sedimentation and pollution control plan or that the holder or his
737 successor in title is in violation of this Article. A holder of a permit shall

notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(5) The City may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

(6) Any land-disturbing activities by the Cityshall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons and the Division shall enforce such requirements upon the City.

Sec. 34-36. - Inspection and enforcement.

(a) The City Director or his or her designee will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the Plan and if the measures required in the Plan are effective in controlling erosion and sedimentation. Also, the City shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is

761 deemed that a person engaged in land-disturbing activities as defined herein has
762 failed to comply with the approved Plan, with permit conditions, or with the
763 provisions of this Article, a written notice to comply shall be served upon that
764 person. The notice shall set forth the measures necessary to achieve compliance
765 and shall state the time within which such measures must be completed. If the
766 person engaged in the land-disturbing activity fails to comply within the time
767 specified, he shall be deemed in violation of this Article.

768 (b) The City must amend its ordinances to the extent appropriate within twelve (12)
769 months of any amendments to the Erosion and Sedimentation Act of 1975.

770 (c) The City Director or his or her designee shall have the power to conduct such
771 investigations as it may reasonably deem necessary to carry out duties as
772 prescribed in this Article, and for this purpose to enter at reasonable times upon
773 any property, public or private, for the purpose of investigation and inspecting the
774 sites of land-disturbing activities. In addition to the authority granted herein the
775 City Director's office or his/her designee may seek administrative search warrants.

776 (d) No person shall refuse entry or access to any authorized representative or agent of
777 the City, the Commission, the District, or Division who requests entry for the
778 purposes of inspection, and who presents appropriate credentials, nor shall any
779 person obstruct, hamper or interfere with any such representative while in the
780 process of carrying out his official duties. The City may also execute
781 administrative search warrants if necessary.

782 (e) The District or the Commission or both shall semi-annually review the actions of
783 the City as a municipality which has been certified as city pursuant to O.C.G.A. §

784 12-7-8(a). The District or the Commission or both may provide technical
785 assistance to the City for the purpose of improving the effectiveness of the City
786 erosion, sedimentation and pollution control program. The District or the
787 Commission shall notify the Division and request investigation by the Division if
788 any deficient or ineffective local program is found.

789 (f) The Division may periodically review the actions of the City as a municipality
790 which has been certified as an issuing authority pursuant to O.C.G.A § 12-7-8(a).
791 Such review may include, but shall not be limited to, review of the administration
792 and enforcement of the City's ordinance and review of conformance with an
793 agreement, if any, between the District and the City. If such review indicates that
794 the City certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or
795 enforced its ordinances or has not conducted the program in accordance with any
796 agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify
797 the City in writing. The City so notified shall have 90 days within which to take
798 the necessary corrective action to retain certification as a Local Issuing Authority.
799 If the City does not take necessary corrective action within 90 days after
800 notification by the Division, the Division shall revoke the certification of the City
801 as a Local Issuing Authority.

Sec. 34-37. - Penalties and incentives.

807 conduct of business and associated work activities within the jurisdictional
808 boundaries of the City.

809 (b) *Stop-work orders.*

810 (1) For the first and second violations of the provisions of this Article, the
811 Director or the City shall issue a written warning to the violator. The
812 violator shall have five days to correct the violation. If the violation is not
813 corrected within five days, the Director or the City shall issue a stop-work
814 order requiring that land-disturbing activities be stopped until necessary
815 corrective action or mitigation has occurred; provided, however, that if the
816 violation presents an imminent threat to public health or waters of the
817 State or if the land-disturbing activities are conducted without obtaining
818 the necessary permit, the director or city shall issue an immediate stop-
819 work order in lieu of a warning;

820 (2) For a third and each subsequent violation, the Director or city shall issue
821 an immediate stop-work order; and

822 (3) All stop-work orders shall be effective immediately upon issuance and
823 shall be in effect until the necessary corrective action or mitigation has
824 occurred.

825 (4) When a violation in the form of taking action without a permit, failure to
826 maintain a stream buffer, or significant amounts of sediment, as
827 determined by the City, have been or are being discharged into State
828 waters and where best management practices have not been properly
829 designed, installed, and maintained, a stop work order shall be issued by

830 the City. All such stop work orders shall be effective immediately upon
831 issuance and shall be in effect until the necessary corrective action or
832 mitigation has occurred. Such stop work orders shall apply to all land-
833 disturbing activity on the site with the exception of the installation and
834 maintenance of temporary or permanent erosion and sediment controls.

835 (c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in
836 land-disturbing activities has failed to comply with the approved Plan, a written
837 notice to comply shall be served upon that person. The notice shall set forth the
838 measures necessary to achieve compliance with the plan and shall state the time
839 within which such measures must be completed. If the person engaged in the
840 land-disturbing activity fails to comply within the time specified, he shall be
841 deemed in violation of this Article and, in addition to other penalties, shall
842 deemed to have forfeited his performance bond, if required to post one under the
843 provisions of section 34-35(b)(5)b. The City may call the bond or any part thereof
844 to be forfeited and may use the proceeds to hire a contractor to stabilize the site of
845 the land-disturbing activity and bring it into compliance.

846 (d) *Monetary penalties.* Any person who violates any provisions of this Article, the
847 rules and regulations adopted pursuant hereto, or any permit condition or
848 limitation established pursuant to this Article or who negligently or intentionally
849 fails or refuses to comply with any final or emergency order of the director issued
850 as provided in this Article shall be liable for a civil penalty not to exceed
851 \$2,500.00 per day. For the purpose of enforcing the provisions of this Article,
852 notwithstanding any provisions in the City Charter to the contrary, the municipal

853 court shall be authorized to impose a penalty not to exceed \$2,500.00 for each
854 violation. Each day during which violation or failure or refusal to comply
855 continues shall be a separate violation. Notwithstanding any limitation of law as
856 to penalties, any court of competent jurisdiction trying cases brought as violations
857 of this Article shall be authorized to impose penalties for such violations not to
858 exceed \$2,500.00 for each violation. Each day during which violation or failure or
859 refusal to comply continues shall be a separate violation.

860

Sec. 34-38. - Administrative appeal judicial review.

862 (a) *Administrative remedies.* The suspension, revocation, modification or grant with
863 condition of a permit by the City upon finding that the holder is not in compliance
864 with the approved erosion, sediment and pollution control plan; or that the holder
865 is in violation of permit conditions; or that the holder is in violation of any
866 ordinance; shall entitle the person submitting the plan or holding the permit to a
867 hearing before the City Director within 15 days after receipt by the City of written
868 notice of appeal. The written notice of appeal must be presented to the City
869 Director within 15 business days of the date provided on the suspension,
870 revocation, modification or grant with condition of a permit.

871 (b) *Judicial review.* Any person, aggrieved by a decision or order of the City, after
872 exhausting his administrative remedies, shall have the right to appeal by Petition
873 for Writ of Certiorari to Superior Court of Clayton County.

874 Sec. 34-39. - Education and certification.

875 (a) Persons involved in land development design, review, permitting, construction,
876 monitoring, or inspection or any land-disturbing activity shall meet the education
877 and training certification requirements, dependent on their level of involvement
878 with the process, as developed by the Commission in consultation with the
879 Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-
880 7-20.

881 (b) For each site on which land-disturbing activity occurs, each entity or person
882 acting as either a primary, secondary, or tertiary permittee, as defined in the State
883 general permit, shall have as a minimum one person who is in responsible charge
884 of erosion and sedimentation control activities on behalf of said entity or person
885 and meets the applicable education or training certification requirements
886 developed by the commission present on site whenever land-disturbing activities
887 are conducted on that site. A project site shall herein be defined as any land-
888 disturbance site or multiple sites within a larger common plan of development or
889 sale permitted by an owner or operator for compliance with the State General
890 Permit.

891 (c) Persons or entities involved in projects not requiring a State General Permit but
892 otherwise requiring certified personnel on site may contract with certified persons
893 to meet the requirements of this Article.

894 (d) If a State general permittee who has operational control of land-disturbing
895 activities for a site has met the certification requirements of paragraph (1) of
896 subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-
897 disturbing activity at that site and operating in a subcontractor capacity for such

898 permittee shall meet those educational requirements specified in paragraph (4) of
899 Subsection (b) of O.C.G.A § 12-7-19 and shall not be required to meet any
900 educational requirements that exceed those specified in said paragraph.

901 **Sec. 34-40. - Liability.**

902 (a) *Validity.* If any section, paragraph, clause, phrase or provision of this Article shall
903 be adjudged invalid or held unconstitutional, such decisions shall not affect the
904 remaining portions of this Article.

905 (b) *Liability.*

906 (1) Neither the approval of a plan under the provisions of this Article, nor the
907 compliance with provisions of this Article shall relieve any person from
908 the responsibility for damage to any person or property otherwise imposed
909 by law nor impose any liability upon the City or District for damage to any
910 person or property.

911 (2) The fact that a land-disturbing activity for which a permit has been issued
912 results in injury to the property of another shall neither constitute proof of
913 nor create a presumption of a violation of the standards provided for in
914 this Article or the terms of the permit.

915 (3) No provision of this Article shall permit any persons to violate the Georgia
916 Erosion and Sedimentation Act of 1975, the Georgia Water Quality
917 Control Act or the rules and regulations promulgated and approved
918 thereunder or pollute any Waters of the State as defined thereby.

919 **Secs. 34-41—34-80. - Reserved.**

920 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
921 by reference as if fully set out herein.

922 **Section 3.**

923 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
924 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
925 enactment, believed by the Mayor and Council to be fully valid, enforceable and
926 constitutional.

927 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
928 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of
929 this Ordinance is severable from every other section, paragraph, sentence, clause or
930 phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor
931 and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
932 clause or phrase of this Ordinance is mutually dependent upon any other section,
933 paragraph, sentence, clause or phrase of this Ordinance.

934 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
935 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
936 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
937 the express intent of the Mayor and Council that such invalidity, unconstitutionality or
938 unenforceability shall, to the greatest extent allowed by law, not render invalid,
939 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
940 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
941 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
942 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

943 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
944 repealed.

945 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise
946 specified herein.

947 **SO ORDAINED** this ____ day of _____, 2018.

948
949 **CITY OF JONESBORO, GEORGIA**

JOY DAY, Mayor

ATTEST:

RICKY L. CLARK, JR., City Clerk

APPROVED AS TO FORM:

STEVE FINCHER, City Attorney