

STATE SOIL AND WATER CONSERVATION COMMISSION MEETING
Thursday, October 18, 2012
Athens, GA
8:00 a.m.

1. Call to Order – Garland Thompson, Chairman
2. Invocation – Brent Dykes, Executive Director
3. Approve Minutes of August 17, 2012 **(APPROVED)**, and September 20, 2012 meetings, as previously Provided **(APPROVED)**
4. Act on Supervisor Appointments **(APPROVED)**
5. Quarterly Expenditure Report **(APPROVED)**—Niki Strain
6. Executive Director's Report – Brent Dykes
 - a) Report on Action Items from August and September 2012 Board Meetings
 - b) Personnel Update **(APPROVED exploring options for Conyers Regional Representative position duties)**
 - c) Cooperative Projects with Department of Corrections
 - d) 319 Grants
 - e) 2012 Farm Bill
 - f) Erosion Control Trainer Approval **(APPROVED)**
7. Deputy Executive Director's Report – Dave Eigenberg
 - a) Meter Program
 - b) MIL Program
 - c) FY12 Senate/House Districts
8. Local District Outreach—Bob Hanner
9. Watershed Program Update—Bob Fulmer
10. Discuss and Authorize Bond Sale **(APPROVED)**
11. NRCS Update—James Tillman
12. GACDS Update
13. Public Comments
14. Upcoming Board Meetings
 - a) Thursday, December 13
 - b) Possible future meeting in Atlanta
15. Adjourn

**Trainers to be approved by
The Georgia Soil & Water Conservation Commission Board
and the Stakeholder Advisory Board**

Trainer Level I

Requirements:

Education/Experience – 4 yr college degree and 5 yrs experience in E&SC

-OR-

Experience Only – 10 yrs experience in E&SC

1. Jason Davis, PE

Education – BS Civil Engineering, Georgia Institute of Technology

Experience – December 2009 – Present – Davis Engineering & Surveying, LLC, President

August 2006 - December 2009 – GeoImage, LLC, Project Engineer

July 2004 – August 2006 –B.C. Engineering, Inc, Staff Engineer

Duties Performed:

- Manage and coordinate projects with clients, LIAs, and contractors from inception to completion
- Designs plans, including grading, utility, ES&PC for residential, commercial and industrial sites.

Mr. Davis exceeds requirements with education, experience and professional licensure.

2. Alvin “Joe” Goodman

Education – Associates of Science, Gainesville State College

Experience –2006 – Present – Onsite Monitoring & Management, LLC, Owner/Operations Manager

2004 – 2006 – Barrow County Planning and Development, Senior Inspector

2001 – 2004 Delta Landscape Supply of Georgia Inc - Sales and Training Coordinator

Duties Performed:

- CPESC IT
- Erosion and Sedimentation Control consultant and onsite monitoring.
- Technical oversight of erosion control issue and best management practices on residential and commercial developments in Barrow County.
- Working knowledge of applicable state and federal regulations pertaining to NPDES permits and E&S Act 1975.
- Conducted regulatory inspections in Barrow County

Mr. Goodman meets the requirements with experience.

3. Cameron Kerr

Education – MSPH Public Health, Environmental Health Sciences and BS Marine Science, University of South Carolina

Experience – April 2010 – Present,

June 2010 – April 2012, Research Planning, Inc, Project Manager/Senior Scientist

January 2007 – December 2009, Integrated Science & Engineering, Inc, Project and Resource Manger

June 2004 – December 2006, Coweta County Development & Engineering, Stormwater Manager

Duties Performed:

- Principal and client contact who provides expertise on NPDES regulatory compliance, site development and E&S inspections and reporting.
- Provides guidance on construction site development, site inspection, E&S compliance and reporting.
- Developed and implemented a county wide stormwater management program to ensure compliance with NPDES MS4 Phase II Program requirements.

Mr. Kerr meets the requirements with education and experience.

**RESOLUTION
OF THE
SOIL AND WATER
CONSERVATION COMMISSION**

I. WHEREAS, the Soil and Water Conservation Commission (“GSWCC”) was created as an agency of the State of Georgia (the “State”) in accordance with O.C.G.A. § 2-6-23;

II. WHEREAS FURTHER, GSWCC is charged with performing those functions conferred upon it pursuant to O.C.G.A. §§ 2-6-20, et seq. (the “Soil and Water Conservation Districts Law”);

III. WHEREAS FURTHER, pursuant to Article VII, Section IV of the Constitution of the State of Georgia (the “Georgia Constitution”), the State may finance certain capital needs directly through the issuance of general obligation debt;

IV. WHEREAS FURTHER, pursuant to Article VII, Section IV, Paragraph VII(a) of the Georgia Constitution, and the “Georgia State Financing and Investment Commission Act”, O.C.G.A. § § 50-17-20 through 50-17-30 (the “Commission Act”), the Georgia State Financing and Investment Commission (the “Commission”) is the agency and instrumentality of the State charged with issuing debt of the State and ensuring the proper application, as provided by law, of the proceeds of such debt to the purposes for which the debt is incurred;

V. WHEREAS FURTHER, Article VII, Section IV, Paragraph I (c) of the Georgia Constitution, and the Commission Act provide that certain general obligation debt (as defined by O.C.G.A. § 50-17-21 (5) and hereinafter “General Obligation Debt”) may be incurred to acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, buildings, structures, equipment, or facilities of the State, its agencies, departments, institutions, and of those State authorities which were created and activated prior to November 8, 1960;

VI. WHEREAS FURTHER, pursuant to Paragraphs I through III of Section IV of Article VII of the Georgia Constitution, the General Appropriations Act for fiscal year 2011-2012 (Ga. L. 2011, Volume One, Book Two Appendix, commencing at p. 1 of 231, Act No. 223, 2011 Regular Session, H.B. 78) was enacted by the General Assembly and signed by the Governor on May 12, 2011, so as to make the following appropriation, designated “General Obligation Debt Sinking Fund – New,” to the State of Georgia General Obligation Debt Sinking Fund, as provided by the Georgia Constitution, Article VII, Section IV, Paragraph III:

A. [Bond 379.731] From State General Funds, \$513,600 is specifically appropriated for the purpose of financing projects and

facilities for the Soil and Water Conservation Commission by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$6,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of 240 months;

VII. WHEREAS FURTHER, GSWCC finds an immediate need for the aggregate principal amount of the General Obligation Debt authorized in the appropriation set forth in Article VI above for the purpose of financing some or all of the projects and facilities referenced in the appropriation set forth in Article VI above, as follows:

A. \$6,000,000 of the \$6,000,000 aggregate principal amount of General Obligation Debt authorized in the appropriation set forth in Article VI.A. above;

VIII. WHEREAS FURTHER, GSWCC therefore desires to request the issuance of State of Georgia General Obligation Bonds in the aggregate principal amount of \$6,000,000, the instruments of which shall have maturities not in excess of two hundred and forty (240) months (the “General Obligation Bonds”), for the purpose of financing some or all of the projects and facilities referenced in the appropriation set forth in Article VI above (the “Projects”);

IX. WHEREAS FURTHER, GSWCC is aware that the Projects shall be completed with proceeds derived from the sale of the General Obligation Bonds with the intent that interest on such General Obligation Bonds be excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Tax Code”);

X. WHEREAS FURTHER, GSWCC is aware of the provisions and requirements of the Tax Code and the regulations issued thereunder respecting arbitrage bonds and private activity bonds, and is aware that the Projects must proceed with due diligence and be timely completed following receipt of the proceeds derived from the sale of the General Obligation Bonds (the “Bond Proceeds”);

NOW, THEREFORE, BE IT RESOLVED BY THE SOIL AND WATER CONSERVATION COMMISSION THAT:

SECTION 1.

GSWCC hereby approves and authorizes the Projects.

SECTION 2.

GSWCC hereby recommends to the Georgia State Financing and Investment Commission that said Commission undertake to issue the General Obligation Bonds in the aggregate principal amount of \$6,000,000, the instruments of which shall have

maturities not in excess of two hundred and forty (240) months, for the purpose of financing some or all of the Projects.

SECTION 3.

GSWCC hereby determines and agrees that:

- (a) the final plans for the Projects are sufficiently complete such that substantial binding obligations to a third party or parties (as defined in the regulations issued under the Tax Code), involving the expenditure of at least five percent (5%) of the Bond Proceeds herein requested, to commence or acquire the Projects will be incurred within six (6) months after the issuance of such General Obligation Bonds;
- (b) eighty-five percent (85%) of the Bond Proceeds herein requested will be expended within three (3) years after the issuance of such General Obligation Bonds;
- (c) the Bond Proceeds herein requested, and anticipated investment proceeds (net of interest on such General Obligation Bonds during the estimated period of construction), will not exceed the amount necessary for the governmental purposes of financing the Projects;
- (d) during the time the General Obligation Bonds herein requested are outstanding, GSWCC will not take, or omit to take, any action which would cause such General Obligation Bonds to be deemed private activity bonds or arbitrage bonds under the Tax Code;
- (e) GSWCC will not use the Bond Proceeds herein requested, or the Projects financed with such Bond Proceeds, for any non-governmental purpose, or any purpose that would give rise to private business use within the meaning of the Tax Code, except for those specific instances in which GSWCC has previously consulted with the Commission;
- (f) the term of the General Obligation Bonds related to the Projects will not be longer than 120% of the reasonably expected economic life of the Projects financed thereunder;
- (g) no Bond Proceeds herein requested will be used for reimbursement of any Project expenditures which were made before the anticipated delivery date of such General Obligation Bonds, except in situations where, prior to any such expenditure, GSWCC has obtained a declaration of "Official Intent" (as defined by the Tax Code) from the Commission, or GSWCC has been otherwise advised in writing by the Commission that such reimbursement will be permitted, it being the intention of GSWCC to comply in all respects with Section 1.150-2 of the regulations under the Tax Code;

(h) all of the expenditures of the Bond Proceeds for the Projects will constitute capital expenditures (as defined in Section 1.150-1(b) of the regulations under the Tax Code);

(i) with respect to the Projects, all of the Bond Proceeds will be allocated to Project expenditures no later than the earlier of: (i) eighteen (18) months after the date such Project is placed in service, or (ii) five (5) years after the issuance of such General Obligation Bonds; any unallocated Bond Proceeds remaining after the earlier of such dates shall be transferred to the Commission and used to redeem outstanding tax-exempt General Obligation Debt of the applicable issue.

SECTION 4.

GSWCC hereby determines and agrees that with respect to any GSWCC project previously financed with proceeds of State of Georgia General Obligation Debt issued by the State with the intent that (i) the interest on such bonds be excludable from gross income for federal income tax purposes pursuant to Section 103 of the Tax Code or (ii) such bonds at the time of their issuance were designated by the State as Build America Bonds under Section 54AA of the Tax Code (a “Prior Bond Project”), and where any Prior Bond Project bonds remain outstanding (including any refunding bonds), GSWCC certifies that such Prior Bond Project is not now being used for any private business use within the meaning of pertinent provisions of the Tax Code, except for those specific instances in which GSWCC has identified to the Commission such use of the Prior Bond Project(s) and (a) provision was made so as to retire, redeem or defease any and all then-remaining outstanding bonds for the Prior Bond Project(s) concurrent with such use or (b) the Commission has determined that the aforementioned retirement, redemption or defeasance is not required to maintain the tax-exempt or Build America Bond status of such bonds.

SECTION 5.

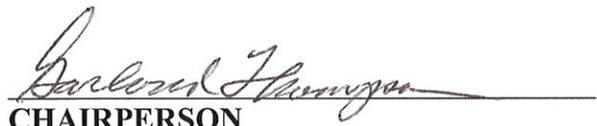
GSWCC hereby approves, authorizes, and directs the Chairperson of GSWCC (the “Chairperson”) or the Executive Director of GSWCC (the “Executive Director”), to communicate a request to the Georgia State Financing and Investment Commission that said Commission undertake to issue the General Obligation Bonds in the aggregate principal amount of \$6,000,000, the instruments of which shall have maturities not in excess of two hundred and forty (240) months, for the purpose of financing some or all of the Projects.

SECTION 6.

The Chairperson, the Executive Director, the Secretary of GSWCC, and their valid delegates are hereby each authorized and directed to execute any instruments and take whatever action which may be necessary in connection with the issuance of the General Obligation Bonds by the Commission, including, but not limited to, the preparation and execution of answers in connection with any legal proceeding as to the validity of any action by GSWCC with respect to the General Obligation Bonds issued by the

Commission. The Attorney General or any Assistant Attorneys General of the State are authorized to execute Acknowledgment of Service and Waiver of Process in such legal proceedings.

This Resolution is hereby adopted this 18th day of October, 2012.



CHAIRPERSON
SOIL AND WATER CONSERVATION COMMISSION

ATTEST:



SECRETARY
SOIL AND WATER CONSERVATION COMMISSION