

GEORGIA SOIL AND WATER CONSERVATION COMMISSION
MINUTES
Athens, GA
May 19, 2011

Present were Chairman Garland Thompson, Vice-Chairman Steve Singletary, Commission Members Carl Brack, Dennis Brown, and David Hays. Participating from Commission staff were Executive Director Brent Dykes, Administrative Assistant Cynthia Wilbur, Rural Water Program Manager Bob Fulmer, and Urban Program Manger Lauren Zdunczyk. Representing NRCS was Jack Lewis. Participating via conference call was Commission Deputy Executive Director Dave Eigenberg. Guests included Mr. Seth Yurman, representing the City of Johns Creek, in Fulton County.

Chairman Thompson called the meeting to order and asked Executive Director Dykes to give an invocation.

On a motion by Steve Singletary and second by Carl Brack, the Board unanimously approved the minutes of the March 17, 2011 Board Meeting.

On a motion by Dennis Brown and second by David Hays, the Board approved the resignation of Satilla River district supervisor Alton Dinkins. On a motion by Steve Singletary and second by Dennis Brown, the board approved the nominees put forth for re-appointment in the May Appointment Report, as attached.

At this time, Mr. Dykes and Mr. Fulmer presented the Board with a resolution from the Commission asking the State Properties Commission to condemn one temporary and one permanent easement related to rehabilitation construction work scheduled for Sandy Creek Watershed Dam#23. Mr. Dykes and Mr. Fulmer explained that the Commission has spent considerable time and funds thus far on this particular watershed structure, and that the landowners were made aware of the potential construction plans beginning in 2009. The landowners have refused all Commission offers to purchase the land impacted by the proposed construction. This project will use over \$1.5 million of federal ARRA funding, which could be lost if not obligated by September 2011. On a motion by Carl Brack and second by Steve Singletary, the Board unanimously approved the Resolution, as attached.

Next, Mr. Dykes brought before the Board a Resolution regarding a FY11 bond sale totaling #5 million. Funding from this sale will finance two upcoming watershed dam projects, and must be fully expended by 10 years from the date of the sale. On a motion by David Hays and second by Dennis Brown, the Board unanimously approved the Resolution, as attached.

Next, the Board called on Mr. Dykes to give the Executive Director's Report. Mr. Dykes

began his report by updating the Board on Commission Personnel. The Commission has made an offer for the Middle Coosawattee 319 Position based out of the Region I office in Rome, and that person will be starting with the Commission on June 1st.

Next, Mr. Dykes updated the Board on the state and federal budget. The Governor signed the Commission's FY12 proposed budget with no line item vetoes. The current version of the FY12 budget includes a 9% reduction—an approximately 30% total budget reduction from four years ago. In order to meet the additional 9% cut, the Commission will maintain the current Milledgeville and Rome Resource Specialist positions vacant until at least December 2011, and will also keep the vacancy open in the MIL Program based out of the Cochran office. In addition, cost-saving measures have included negotiating a lower monthly rent for the Conyers office, lower allotment for district budgets, and continuing the 10-meeting a year limit for district per diem. Also included are watershed contracts cut by \$30,000 and funding for water supply studies are eliminated.

Lastly, Mr. Dykes reported on two upcoming events. Staff have scheduled a Watershed Tour for budget analysts assigned to the Commission. The tour is scheduled for May 25th and will include dams in Barrow, Jackson, and Madison counties. Also, GACDS has suggested delaying the proposed Farm Bill Tour from August 2011 to 2012 in order to have more time for planning.

The Board next called on Mr. Dave Eigenberg to give a brief Deputy Executive Director's Update. Mr. Eigenberg reported that the metering program is continuing the search for alternative funding sources. In the event that the program is not fully funded, the Commission will work to re-assign staff to cover metering duties.

At this time, the Board called on Ms. Lauren Zdunczyk to give the Urban Program Report. Ms Zdunczyk recognized Mr. Yurman from the City of Johns Creek, and explained that the Fulton County Soil and Water Conservation District had requested an MOA with the City of Johns Creek. Ms. Zdunczyk made one recommendation change to include a new restriction specifying that any plan consisting of five acres or more be reviewed by both the district and the city. The Commission Board agreed to this request for the co-plan restriction. Ms. Zdunczyk also reported on the Technical Advisory Committee, stating that to-date, the Committee has held three meetings, and is in the process of determining certain BMP manual topics and testing procedures. The Committee is considering a recommendation to have all product testing conducted by a certified, third-party facility. To finish, Ms. Zdunczyk presented the board with a list of potential trainers for approval. On a motion by Dennis Brown and second by David Hays, the board approved the nominated trainers for approval (list attached).

Next, the Board called on Mr. Jack Lewis to give the NRCS Update. Mr. Lewis reported that the EQIP and the WIP are being finalized for this year. Additionally, work continues on the CSP, with an additional 140,000 acres to be included, resulting in an additional 200 contracts statewide. Many of the additional contracts will focus on South Georgia, with concentrations on

STATE CONSERVATION COMMISSION MEETING

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row crop production and forestry. Mr. Lewis reported that the GA-NRCS office has received their federal FY11 budget, and will be reviewing program funding.


At this time, Mr. Dykes asked the Board their availability to meet in June, and reminded them that as of now, no July meeting will be scheduled.

There being no further business, the meeting was adjourned.

Respectfully submitted by:

Cynthia Wilbur

Approved by:

 8-19-11

GSWCC Chairman

Date

 8-19-11

GSWCC Executive Director

Date

**NOMINEES FOR THE POSITION OF DISTRICT SUPERVISOR
TO BE APPOINTED BY GEORGIA SOIL and WATER CONSERVATION COMMISSION**

REGION	DISTRICT	COUNTY	NAME	CITY	%	FUTURE TERM WILL EXPIRE
I	Blue Ridge	Towns	1. John Kay	Harris	87%	07/09/13
			2. Audie Bradley			
			3. Jimmy Taft			
	Coosa River	Floyd	1. Samuel T. Rush	Rome	90%	04/13/13
			2. Waldo Dodd			
			3. Jack Dickey			
	West Georgia	Haralson	1. Vera J. (Joan) Boalch	Buchanan	92%	07/09/13
			2. Jim Brown			
			3. Clay Hamil			
Carroll		1. Hugh L. Brock, Jr.	Carrollton	96%	07/09/13	
		2. Ray Kent				
		3. J. G. McCalmon				
II	Hall County	Hall	1. Jane Hemmer	Gainesville	100%	05/18/13
			2. Charles H Adams			
			3. C.A. Blackstock			
	Lincoln County	Lincoln	1. Marcus Matthews	Lincolnton	96%	10/19/12
			2. Stan Tankersley			
			3. Daryl Henderson			
III	Gwinnett	Gwinnett	1. Connie Wiggins	Buford	*59%	01/08/13
			2. Pilar Quintero			
			3. Robert Powell			
	Fulton	Fulton	1. Walter Rekuc	Milton	92%	07/09/13
			2. Cory Rayburn			
			3. Jack White			
IV	Lamar County	Lamar	1. Chad M. Thompson	Barnesville	65%	06/11/13
			2. Mary Jo Hardin			
			3. Charles Thompson			
VI	Ogeechee River	Evans	1. Gary Bell	Bellville	88%	10/30/13
			2. Ray Todd			
			3. Randy DeLoach			
	Satilla River	Wayne	1. Jonathan M. Harris	Screven	*54%	05/09/12
			2. Franklin Griffis			
			3. J. H. Wynn			
	* Connie Wiggins - 50%		*Jonathan M. Harris -75%			



GEORGIA SOIL AND WATER CONSERVATION COMMISSION

4310 LEXINGTON ROAD P.O. BOX 8024 ATHENS, GEORGIA 30603 PHONE (706) 552-4470 FAX (706) 552-4486

RESOLUTION

WHEREAS, the Georgia Soil and Water Conservation Commission (“GSWCC”) has determined that certain improvements to Sandy Creek Watershed Dam #23 are necessary in order to bring said structure in compliance with the Federal Safe Dam Act; and

WHEREAS, the GSWCC has commenced an improvement for Sandy Creek Watershed Dam #23 (“Dam Rehabilitation Project”); and

WHEREAS, pursuant to said improvement, GSWCC has identified all of the property owners affected by said improvement; and

WHEREAS, property owners Michael and Deborah Housworth own a tract of land adjacent to the watershed structure and said improvements will make it necessary to obtain a permanent easement over a portion of the Housworth’s land and a temporary construction easement during said improvement construction; and

WHEREAS, GSWCC has surveyed, appraised and made an offer of settlement for the value of said improvement to property owners Michael and Deborah Housworth; and

WHEREAS, the Housworths by and through their attorney have rejected said offer; and

WHEREAS, it is necessary that the State Properties Commission condemn said easements as identified herein on Exhibit “A” attached hereto,

WHEREAS, GSWCC, on behalf of the State Properties Commission, shall conduct the statutorily required pre-condemnation meeting.

NOW THEREFORE, BE IT HEREBY RESOLVED,

That the GSWCC requests that the State Properties Commission condemn the easements identified herein as Exhibit “A” and the GSWCC shall pay Michael and Deborah Housworth just and adequate compensation for same.

Georgia Soil and Water Conservation Commission

By: 

BRENT L. DYKES
EXECUTIVE DIRECTOR
ATHENS, GEORGIA

GARLAND THOMPSON
CHAIRMAN
DOUGLAS, GEORGIA

STEVE SINGLETARY
VICE CHAIRMAN
BLAKELY, GEORGIA

CARL E. BRACK
MEMBER
CARROLLTON, GEORGIA

DENNIS T. BROWN
MEMBER
COMMERCE, GEORGIA

DAVID T. HAYS
MEMBER
COVINGTON, GEORGIA

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

I. WHEREAS, the Soil and Water Conservation Commission (the “Commission”) 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”);

II. WHEREAS FURTHER, the Commission was created as an agency of the State of Georgia (the “State”) in accordance with O.C.G.A. § 2 6 23 (a);

III. WHEREAS FURTHER, the Constitution of the State of Georgia (the “Georgia Constitution”), Article VII, Section IV, Paragraph I (c), and the Georgia State Financing and Investment Commission Act, O.C.G.A. §§ 50-17-20 through 50-17-30 (the “GSFIC Act”), provide that certain general obligation debt (as defined by O.C.G.A. § 50-17-21 (5) and hereinafter “General Obligation Bonds”) may be incurred for the benefit of the State, its agencies, departments, and institutions, and those State authorities created and activated prior to November 8, 1960;

IV. 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 2010-2011 (Ga. L. 2010, Volume One, Book Two Appendix, commencing at p. 1 of 164, Act No. 684, 2010 Regular Session, H.B. 948) was enacted by the General Assembly and signed by the Governor on June 4, 2010, so as to make the following appropriation, designated “General Obligation Debt Sinking Fund: GO Bonds New – Bond Financing Appropriated,” to the State of Georgia General Obligation Debt Sinking Fund, as provided by the Georgia Constitution, Article VII, Section IV, Paragraph III:

A. [Bond # 88] From State General Funds, \$436,000 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 \$5,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months;

V. WHEREAS FURTHER, with respect to the appropriation set forth in Article IV. above, the State previously has issued:

A. \$0 in General Obligation Bonds of the \$5,000,000 amount authorized in the appropriation set forth in Article IV.A. above, and there

remains a total aggregate principal amount of \$5,000,000 of unissued General Obligation Bonds relating to such appropriation;

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

A. \$5,000,000 of the unissued \$5,000,000 aggregate principal amount of General Obligation Bonds authorized in the appropriation set forth in Article IV.A. above;

VII. WHEREAS FURTHER, the Commission therefore desires to request the issuance of State of Georgia General Obligation Bonds in the aggregate principal amount of \$5,000,000 for the purpose of financing some or all of the projects and facilities referenced in the appropriation set forth in Article IV. above (the "Projects");

VIII. WHEREAS FURTHER, the Commission is aware of the provisions and requirements of the Internal Revenue Code of 1986, as amended (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 State of Georgia General Obligation Bonds,

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

SECTION 1.

The Commission hereby approves and authorizes the Projects.

SECTION 2.

The Commission hereby recommends to the Georgia State Financing and Investment Commission that said Georgia State Financing and Investment Commission undertake to issue \$5,000,000 in aggregate principal amount of State of Georgia General Obligation Bonds, 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.

The Commission 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 proceeds of the General Obligation Bonds

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 spendable proceeds of the General Obligation Bonds herein requested will be expended within three (3) years after the issuance of such General Obligation Bonds;

(c) the original proceeds of the General Obligation Bonds 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, the Commission will not take, or omit to take, any action which would cause such General Obligation Bonds to be deemed arbitrage bonds under the Tax Code;

(e) the Commission will not use the proceeds of the General Obligation Bonds herein requested, or the Projects financed with such General Obligation Bonds, for any non-governmental purpose, or any purpose that would give rise to "private business use", as defined by the Tax Code;

(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 proceeds of the General Obligation Bonds related to the Projects 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, the Commission obtains a declaration of "Official Intent" (as defined by the Tax Code) from the Georgia State Financing and Investment Commission, or the Commission is otherwise advised in writing by the Georgia State Financing and Investment Commission that such reimbursement will be permitted, it being the intention of the Commission to comply in all respects with Section 1.150-2 of the regulations under the Tax Code;

(h) all of the expenditures of proceeds from the General Obligation Bonds herein requested 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 proceeds from the General Obligation Bonds herein requested for such Project 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 General Obligation Bond proceeds remaining after the earlier of such dates shall be transferred to the Georgia State Financing and Investment Commission and used to redeem outstanding tax-exempt General Obligation Bonds of the applicable issue.

SECTION 4.

With respect to any Commission project previously financed with proceeds of State of Georgia General Obligation Bonds 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), the Commission 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 the Commission has identified to the Georgia State Financing and Investment Commission a change in use of the Prior Bond Project(s) and (a) provision was made so as to properly retire, redeem or defease any and all then-remaining outstanding bonds for the Prior Bond Project(s) concurrent with such change in use so as to maintain the tax-exempt or Build America Bond status of such bonds or (b) the Georgia State Financing and Investment Commission has expressly consented to permit such change in use without the aforementioned retirement, redemption or defeasance of outstanding Prior Bond Project bonds, as applicable.

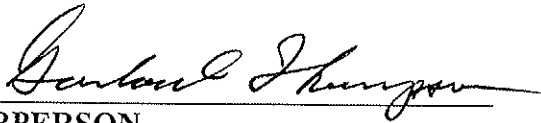
SECTION 5.

The Commission hereby approves, authorizes, and directs the Chairperson of the Commission (the "Chairperson") to communicate a request to the Georgia State Financing and Investment Commission that said Georgia State Financing and Investment Commission undertake to issue \$5,000,000 in aggregate principal amount of State of Georgia General Obligation Bonds, 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.

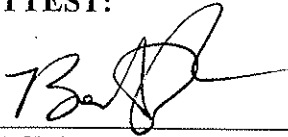
The Chairperson is hereby authorized and directed to execute any instruments and take whatever action which may be necessary in connection with the issuance of General Obligation Bonds by the Georgia State Financing and Investment Commission, including, but not limited to, the preparation and execution of answers in connection with any legal proceeding as to the validity of any action by the Commission with respect to the General Obligation Bonds issued by the Georgia State Financing and Investment 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 19 day of May, 2011.



CHAIRPERSON
SOIL AND WATER CONSERVATION COMMISSION

ATTEST:

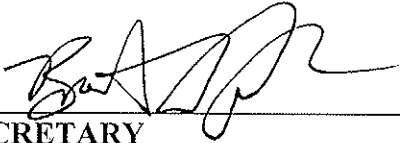


SECRETARY
SOIL AND WATER CONSERVATION COMMISSION

CERTIFICATE

I, Brent L. Dykes, Secretary of the Soil and Water Conservation Commission, do hereby certify that I am custodian of the minutes of the Soil and Water Conservation Commission and that the foregoing is a true and correct copy of a Resolution duly adopted by said Commission at a meeting held on the 19 day of May, 2011.

SO CERTIFIED, this 19 day of May, 2011.



SECRETARY
SOIL AND WATER CONSERVATION COMMISSION

**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. Joseph Ranson

Education – B.S. Environmental Biology, Illinois College

Experience –2008 - Present, US Army Corps of Engineers, Senior Environmental QA
2007 – 2008, FT. Benning DPW-EMD – US Army, Environmental Specialist
2005 – 2007, ECW Environmental, NEPA Mitigation Monitor

Duties Performed:

- Responsible for all environmental design reviews, permitting, stream buffer variance submissions, in-field site investigations to ensure compliance with all applicable terms of the permits and regulations for the Base Realignment and Closure Transformation construction program at FT. Benning.
- Responsible for managing the requirements of the NPDES permits for construction projects.
- Planned and conducted environmental compliance inspections overseeing the Savannah District Digital Multi Purpose Range Complex construction project.

Mr. Ranson meets requirements with education and experience.

Trainer Level II

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

-OR-

Experience Only – 5 years of professional licensure in the field of engineering, architecture, landscape architecture, forestry, geology or land surveying or as a CPESC for a total of 10yrs field experience.

1. William Brundage, P.E.

Education – B.S. Civil Engineering, Georgia Institute of Technology

Experience –2000- Present, Brundage Engineering, Inc., President
1996 - 2000, Integrated Science and Engineering, Senior Engineer
1989- 1996, Pond and Company, Project Manager
1986 – 1989, Benchmark Engineering, Staff Engineer

Duties Performed:

- Responsible for site development design
- Land planning
- ES&PC plan design
- Storm water management design
- Flood studies
- Stream restoration analysis and design
- Managed residential, commercial and municipal projects

Mr. Brundage exceeds the requirements with education, experience and professional licensure.

2. Richard Edinger, P.E.

Education – Masters of Public Administration, University of Georgia and B.S., Civil Engineering, Virginia Tech

Experience –2005- Present, Clark Patterson Lee, Principal Associate
2001- 2005, City of Suwanee, Public Works Director
1998 – 2001, Gwinnett County Water Resources, Principal Engineer
1993- 1998, Georgia Department of Transportation, Transportation Engineer

Duties Performed:

- Project Manager and senior engineer for various sanitary, water supply, storm water, transportation, and bridge hydraulics projects.
- Contracted as “City Engineer” for several Gwinnett and DeKalb municipalities.
- Provides planning, zoning, engineering review, building plan review, inspections, code compliance and GIS services to the newly formed city of Dunwoody.
- Managed two departments of City government.
- Department functions include asset management, grounds and park maintenance, building inspections, code enforcement and construction maintenance.

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

3. Frank Carubba

Education – B.S. in Civil Engineering from Tulane University

Experience –1987- Present, Environmental Protection Division, Environmental Engineer

Duties Performed:

- Reviews and evaluates stream buffer variance applications and related water quality computer models.
- Reviews and certifies local Erosion, Sedimentation and Pollution Control ordinances and programs.
- Participated in the re-issuance and implementation of the NPDES General Permits.
- Managed the State's Nonpoint Source Management Program and Section 319 (h) Nonpoint Source Implementation Grant Program

Mr. Carubba exceeds the requirements with education and experience.