

**GEORGIA SOIL AND WATER CONSERVATION COMMISSION  
MINUTES  
Athens, GA  
October 18, 2012**

Present were Chairman Garland Thompson, Vice-Chairman Dennis Brown, Commission Members Carl Brack, Hal Haddock, and David Hays. Participating from Commission staff were Executive Director Brent Dykes, Deputy Executive Director Dave Eigenberg, Rural Water Resources Manager Bob Fulmer, Administrative Operations Manager Niki Strain, Executive Manager for Water Policy Bob Hanner, and Administrative Assistant Cynthia Wilbur. Representing NRCS was State Conservationist James Tillman. Guests included Mr. Michael Wald. Chairman Thompson called the meeting to order and asked Executive Director Dykes to give an invocation.

On a motion by Carl Brack, and second by David Hays, the Board unanimously approved the minutes of the August 17, 2012, and the September 20, 2012, Board Meetings.

On a motion by Dennis Brown and second by David Hays, the Board approved the re-appointment of Mr. M. L. Coffey to the Coastal Soil and Water Conservation District Board.

On a motion by Dennis Brown and second by David Hays, the Board unanimously approved the Agency Quarterly Expenditure Report, as presented by Ms. Strain.

At this time, the Board called on Mr. Dykes' to give the Executive Director's Report. Mr. Dykes began by updating the Board on several Action Items from the August and September meetings. Mr. Dykes explained that he had recently met with staff at the Governor's Office, and also Jud Turner, Director of EPD, in relation to concerns regarding site stabilization. Mr. Dykes explained that those meetings have resulted in positive outcomes, including an administrative solution currently available and that possible NPDES changes starting next year and legislative changes in 2014 may be considered to further address the issue. Mr. Dykes also reported that he had a productive and informative meeting with Mr. Mike Martin and staff of the Walton County Department of Planning and Development regarding progress at the Baxter development site.

Next, Mr. Dykes updated the board on the Personnel Report. Brian Horne, Irrigation Technician in Cochran, left the agency on September 14<sup>th</sup>. The agency will re-hire that position, but will re-locate it from Cochran to the Statesboro office, leaving one MIL technician in Statesboro and one in Dawson. Additionally, the agency is currently finalizing plans to hire a new employee to handle public relations.

Mr. Dykes explained that a recent agency search to fill the vacant Region III Regional Representative position in Conyers was unsuccessful. He assured that Board that current staff from the Conyers and Athens offices were temporarily serving the metro-area until other arrangements could be made. On a motion by David Hays and second by Dennis Brown, the Board unanimously approved the agency exploring further options in regards to the Region III open position.

Next, Mr. Dykes updated the Board on the current partnership between the agency and the Department of Corrections in regards to the possibility of using inmate crews to complete water infrastructure projects. Mr. Dykes recently met with staff from the Governor's office, and the agency was given the approval to proceed using D.O.C. crews on select water infrastructure pilot sites. Both Mr. Hays and Mr. Brack reported that D.O.C. crews had completed projects in both Newton and Carroll counties, with substantial savings to the counties.

Mr. Dykes next reported that the Commission is in the process of applying for two 319 grants: one in the Lower Middle Oconee River Watershed, involving Barrow, Oconee, Clarke, and Jackson counties, and another in the Sandy Run Creek River Watershed involving Bleckley, Houston, Peach, and Twiggs counties.

Lastly, Mr. Dykes gave a brief update on the Farm Bill. No final action was been taken on the Farm Bill by the September 30<sup>th</sup> deadline. If no action is taken in the interim immediately after the election and by the beginning of the year, the Budget Control Act will trigger automatic cuts that could affect the USDA budget.

At this time, the Board considered several candidates for approval as Level I Trainers. On a motion by Dennis Brown and second by David Hays, the Board unanimously approved the submitted candidates for approval (see attached).

The Board next called on Mr. Eigenberg to give the Deputy Director's Report. Mr. Eigenberg began by updating the Board on the Metering Program. Commission staff have read and maintained 1800 meters, with staff contracted from the Georgia Forestry Commission reading additional meters. The Commission has also decided to implement a new Meter Repair program for the 2012 reporting year, which will allow meter program staff to do basic on-site and in-house repairs on existing meters. Additionally, the program will begin implementation of a project to start receiving a sample of self-reporting meter reading data in the spring of 2013 from the Lower Flint River area.

Next, Mr. Eigenberg presented the Board with a series of maps showing the Congressional districts for each of the Commission's regions. He explained that these maps will be particularly useful to help districts reach out to their legislators after the November elections and in light of the upcoming GACDS Legislative Luncheon.

Mr. Haddock asked Mr. Eigenberg what affect the recent suspension of Lower Flint water withdrawal permits had made on the over-all number of applicants. Mr. Eigenberg reported that to-date, over 1000 applications had been received by EPD from other eligible regions.

At this time, the Board called on Mr. Bob Hanner to give a brief update on district outreach. Mr. Hanner reported that he had been attending several district meetings a week, located through-out the state. He stated that the upcoming GACDS 2013 Annual Meeting and Legislative Luncheon were of particular interest, as was the continuing of water-use negotiations between Georgia and Florida.

STATE CONSERVATION COMMISSION MEETING

October 18, 2012

Page 3

The Board next called on Mr. Bob Fulmer to give the Watershed Program update. Mr. Fulmer noted the amount of bond money requested for watershed rehabilitation over the past several years. In FY10, \$3 million was requested, while in FY11 the amount was \$5 million, and for FY12 the amount was \$6 million. The Commission received no funding for FY13, but has requested \$3 million in funding for the proposed FY14 budget.

At this time, on a motion by David Hays and second by Carl Brack, the Board unanimously adopted a resolution to authorize the proposed 2012 Bond Sale (see attached) in the amount of \$6 million.

The Board next called on Mr. James Tillman to deliver the NRCS Report. Mr. Tillman reported that NRCS is still working on implementing contracts, and that this year's EQIP includes waivers to begin projects early. He also reported that all of the Local Work Groups throughout the state have held their 2012 meetings.

Mr. Dykes gave a brief update on GACDS. The Supervisor Per Diem for the upcoming 2013 Annual Meeting is set at \$120 for Friday attendance and \$120 for Saturday attendance. Mr. Dykes discussed the draft meeting agenda, explaining that GACDS Group I districts have been in charge of planning all meeting arrangements. All supervisors will be receiving information regarding the Annual Meeting, including registration forms, via mail. Additionally, GACDS is currently accepting applications from districts for an outreach proposal to host local outreach workshops. Proposals are due by December 15<sup>th</sup>, and the successful recipients will be announced at the Annual Meeting.

At this time, Mr. Dykes asked the Board whether they would consider moving up their December Board Meeting to Thursday, December 13<sup>th</sup>, to coincide with a Commission employee event scheduled at the UGA Center for Continuing Education. The Board agreed to the December 13<sup>th</sup> meeting date.

There being no further business, the meeting was adjourned.

Respectfully submitted by:

Cynthia Wilbur

Approved by:

 12-13-12

GSWCC Chairman

Date

 12-13-12

GSWCC Executive Director

Date



**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.**

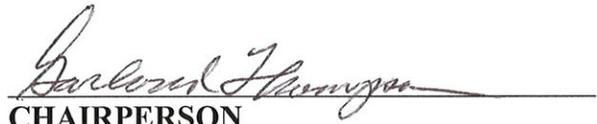
GSWCC hereby approves, authorizes, and directs the Chairperson of GSWCC (the "Chairperson") or the Executive Director of GSWCC (the "Executive Director"), to communicate a request to the Georgia State Financing and Investment Commission that said Commission undertake to issue the General Obligation Bonds 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 18<sup>th</sup> day of October, 2012.

  
\_\_\_\_\_  
**CHAIRPERSON**  
**SOIL AND WATER CONSERVATION COMMISSION**

**ATTEST:**

  
\_\_\_\_\_  
**SECRETARY**  
**SOIL AND WATER CONSERVATION COMMISSION**