

CITY OF SOUTH FULTON, GEORGIA  
VIRTUAL - WORK SESSION  
Tuesday, September 8, 2020, 4:00 PM



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**The Honorable William "Bill" Edwards, Mayor**  
**The Honorable Catherine F. Rowell, District 1 Councilmember**  
**The Honorable Carmalitha Gumbs, District 2 Councilmember**  
**The Honorable Helen Z. Willis, District 3 Councilmember**  
**The Honorable Naeema Gilyard, District 4 Councilmember**  
**The Honorable Corey A. Reeves, District 5 Councilmember**  
**The Honorable khalid kamau, District 6 Councilmember**  
**The Honorable Mark Baker, District 7 Councilmember**

**COUNCIL WORK SESSION MEETING AGENDA**

- I. Call to Order
- II. Roll Call
- III. Agenda Items
  1. Council Discussion on Parks Master Plan (Parks)
  2. Council Discussion on South Fulton Comprehensive Transportation Plan (Public Works)
  3. Council Discussion on Cascade Road Bridge Reopening/Repair (Public Works)
  4. Council Discussion on Canaan Ridge at Wolf Creek Subdivision Road Closure (Public Works)
  5. Council Discussion on Increase Transfer of Leave Hours Between Employees (Human Resources)
  6. Council Discussion on COVID-19 Emergency Order (City Manager)
  7. Council Discussion on CARES Act Funding (**Mayor**)
  8. Council Discussion on 2020 Census (**Mayor**)
  9. Council Discussion on Amending Title 6, Health and Sanitation to Establish a Primary Residential Solid Waste Service Provider (**Willis**)
- IV. Executive Session (if needed)

*When an Executive Session is Required, one will be called for the following issues: 1) Personnel, 2)*

V. Adjournment of Meeting



**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on Parks Master Plan

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

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**ATTACHMENTS:**

Description	Type	Upload Date
Parks Master Plan	Cover Memo	9/2/2020



# City of **South Fulton**

**PARKS + RECREATION + CULTURAL MASTER PLAN**

**ONE CITY • ONE PARK SYSTEM**

**DRAFT Existing Conditions + Needs Assessment Summary Findings**

# Agenda

- Project Overview
- Summary Findings
- Questions + Answer
- Next Steps

# Parks Master Planning + Design Process





### Qualitative Techniques

- Project Steering Committee
- Elected Official Interviews
- Staff Interviews
- Virtual Focus Group Interviews
- Special Events Input
- Online Survey
- Virtual Public Meetings



### Quantitative Techniques

- Statistically-Valid Survey
- Acreage Level-Of Service
- Access Level of Service
- Capacity Level of Services
- Quality Level of Services
- Program Level of Service
- Financial Level of Service
- Benchmarking

### Observational Techniques

- Park Site Evaluations | National +Regional + Local Trends | Population + Demographic Overview

# Public Engagement Participation



**+ 1,300  
Participants**

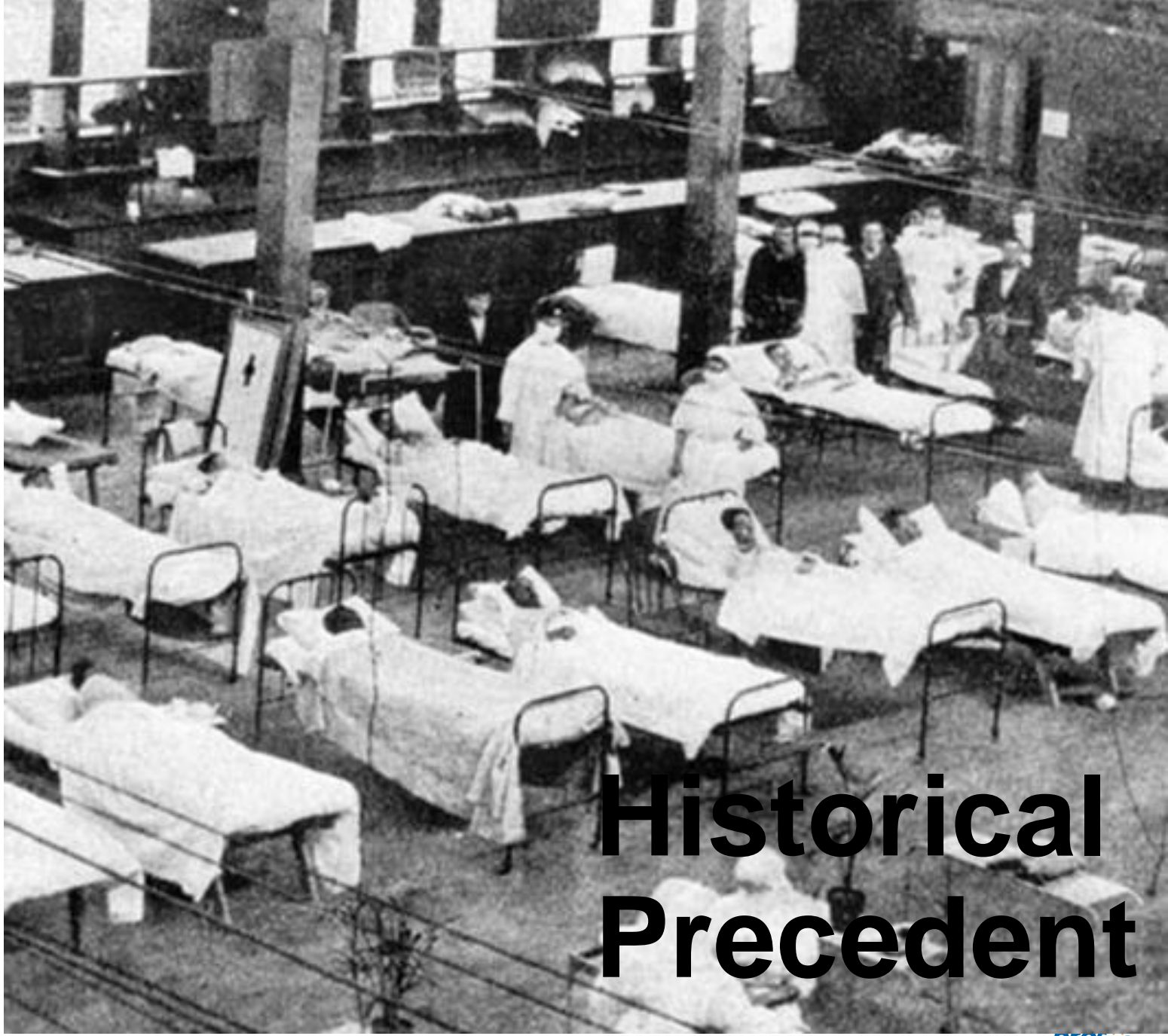


# Key Summary Findings

## 6

1. Continue Positioning Parks, Recreation, and Cultural Affairs as Essential Services
2. Upgrade Existing Parks, Recreation, and Cultural Facilities
3. Ensure Equitable Access
4. Enhance Marketing + Communications
5. Customize Parks, Recreation, and Cultural Priorities
6. Maximize Resource Generation + Allocation

# 1. Continue Positioning Parks, Recreation, and Cultural Affairs as Essential Services

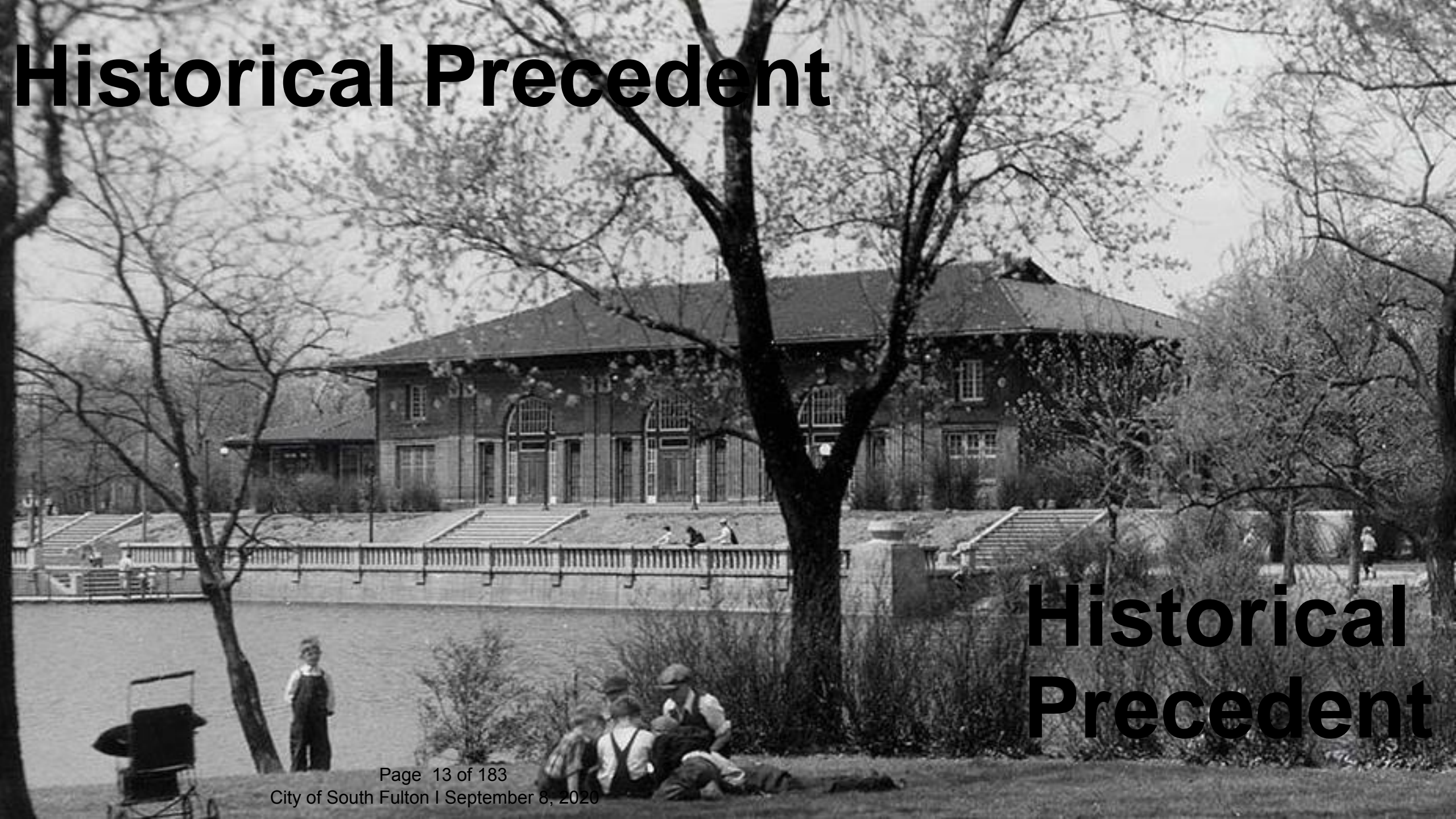


# Historical Precedent



# Historical Precedent

# Historical Precedent



**Historical  
Precedent**



CITY OF SOUTH FULTON MAYOR AND CITY COUNCIL  
IN PARTNERSHIP WITH ATLANTA COMMUNITY FOODBANK



FEEDING THE CITY OF SOUTH FULTON  
**COMMUNITY DRIVE-THROUGH  
FOOD GIVEAWAY**

FRIDAY | JUNE 26, 2020 | 11:00 AM – until food is gone

Welcome All Park | 4255 Will Lee Road | South Fulton GA 30349

**Residents will be able to drive through  
the location to safely pick up food items**

**SOCIAL DISTANCING GUIDELINES  
WILL BE FOLLOWED**

For any questions contact:  
404-670-9029

City of South Fulton | September 8, 2020



**COVID-19  
TESTING EVENTS**

Residents will be able to drive through testing sites. Dates and locations include:

- Thursday, August 13 – 9 a.m. to 1 p.m. – Sandtown Park
- Tuesday, August 18 – 9 a.m. to 1 p.m. – Creel Park
- Thursday, August 20 – 4-8 p.m. – Welcome All Park
- Thursday, August 27 – 9 a.m. to 1 p.m. – Cliftondale Park

Testing time is estimated to be 10 minutes with results available in two to three business days



# Perception of the Value of Parks, Trails, Recreation and Cultural Affairs During COVID-19

Value has Increased or Somewhat Increased

**75%**  
**RESPONDENTS**

Increase Funding \$

**92%**  
**RESPONDENTS**

# Social, Economic, and Environmental Challenges that are most important to your household.





# Department responds to community needs with Virtual Recreation

- Total Body Fitness
- Midday Stretch
- Flower Arranging
- Track Series
- Sports Clinics
- Recreation Trivia
- Tasty Tuesday
- Wind Down Wednesday
- Live Track Circuit Workout
- Quarantine Crafting
- Zumba



119  
Posts  
4,050  
Views  
631  
Followers

# 2. Upgrade Existing Parks, Recreation, and Cultural Facilities

# Barriers to Parks, Trails, and Facilities Use

- 1. Outdated and in need of improvements**
2. Do not feel safe at parks/facilities
- 3. Parks/facilities are not well-maintained**

# Quality LOS Analysis

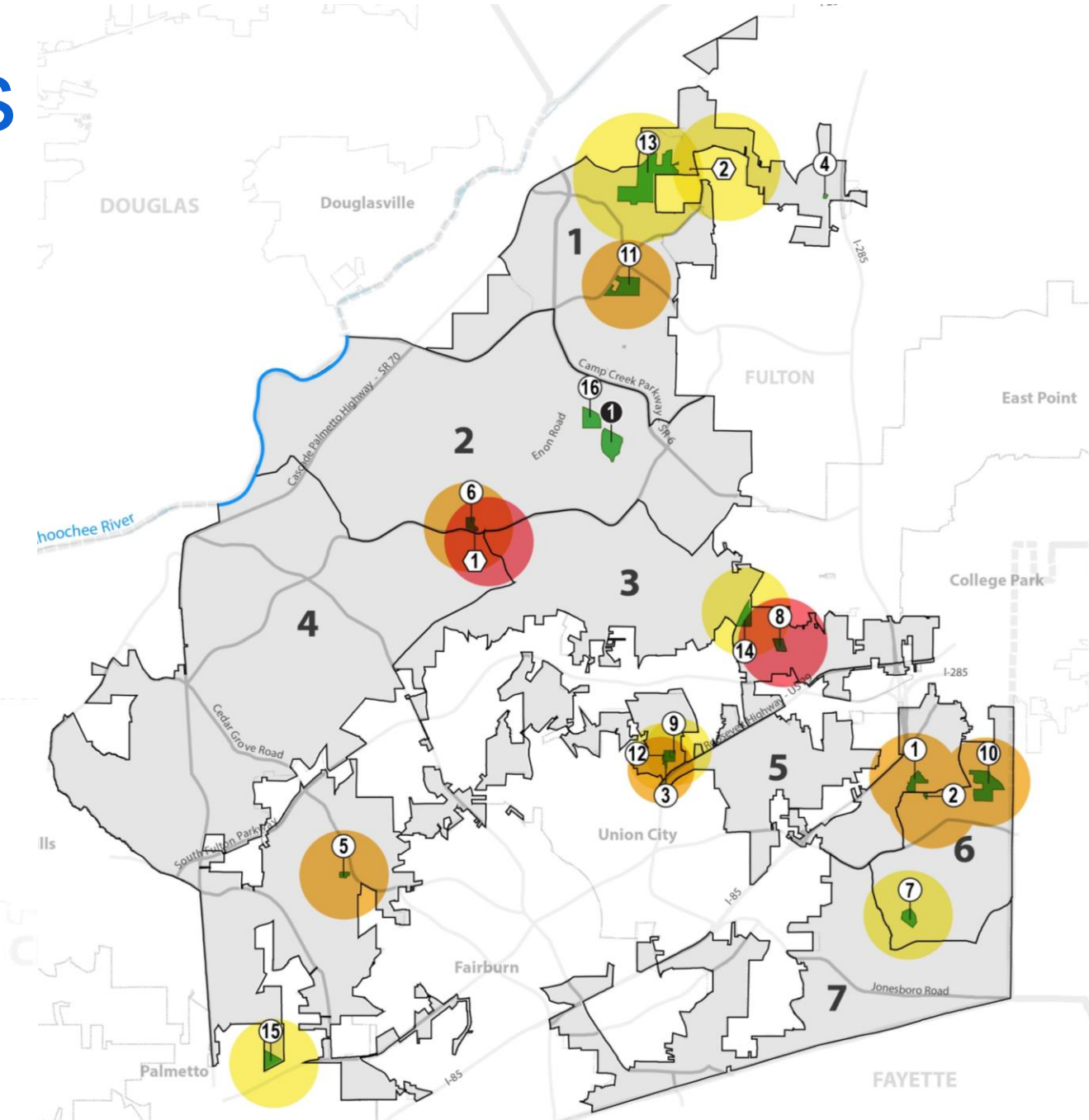
## Evaluation Criteria

- Proximity, Access, and Linkages
- Comfort and Image
- Uses, Activities, and Sociability
- Environmental Sustainability
- Buildings and Architecture

## System Average

**2.8**

## Level-of-Service Parameters



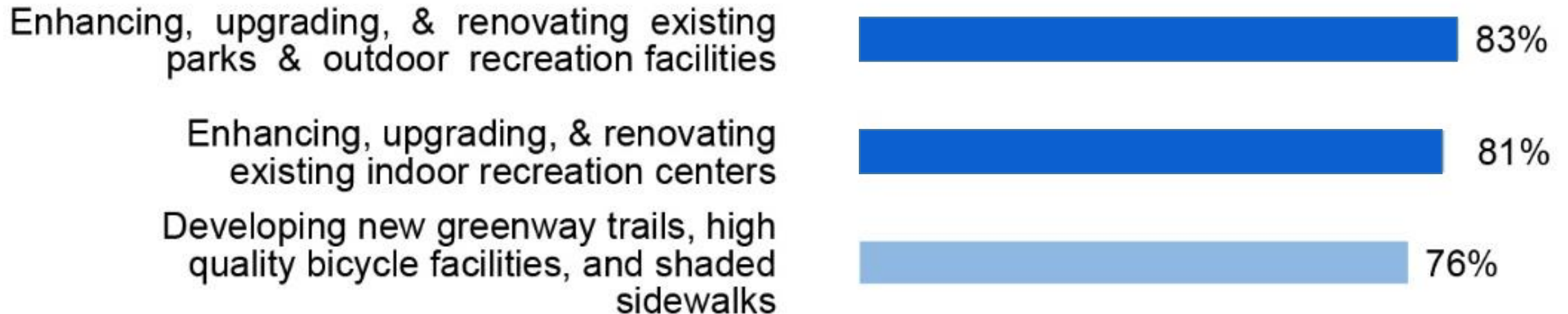
# Site Evaluation Findings

- Enhance visibility and linkages
- Enhance “curb-appeal”
- Consider re-branding / vibrant colors
- Provide a “mix of things to do”
- Enhance facility energy efficiency



# Actions to Improve City of South Fulton Parks, Recreation, and Cultural Affairs System

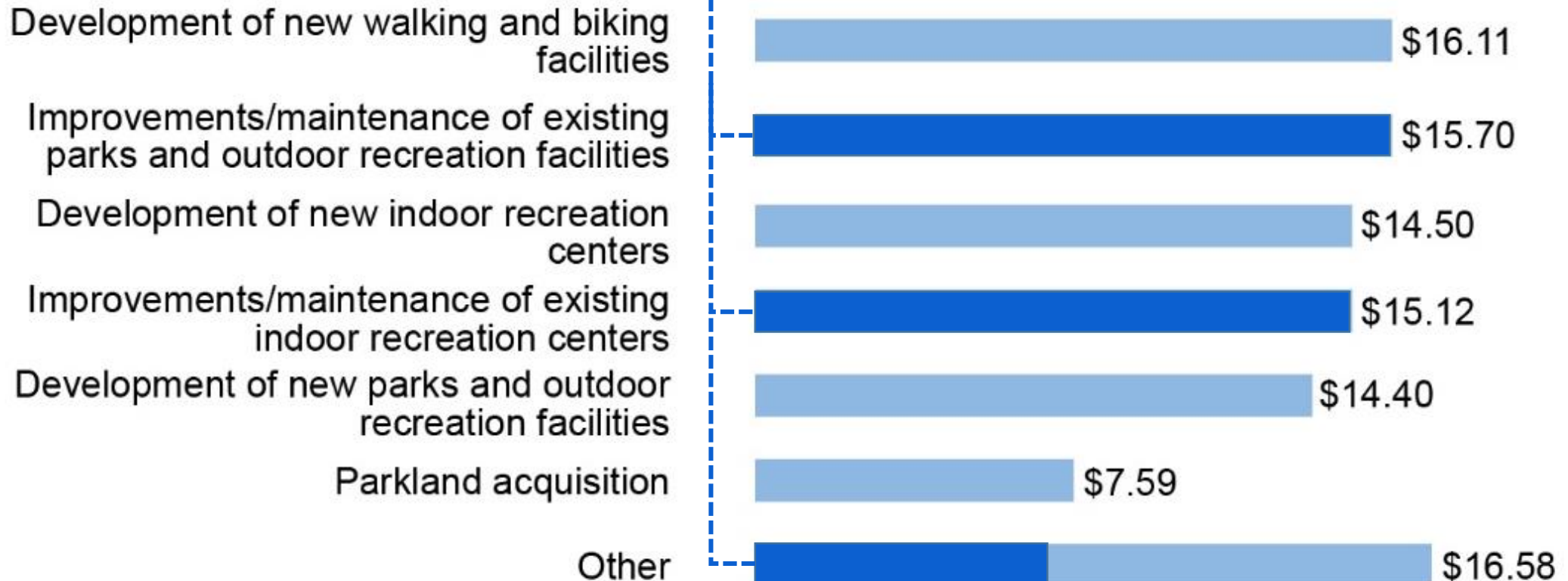
## Very Supportive + Somewhat Supportive



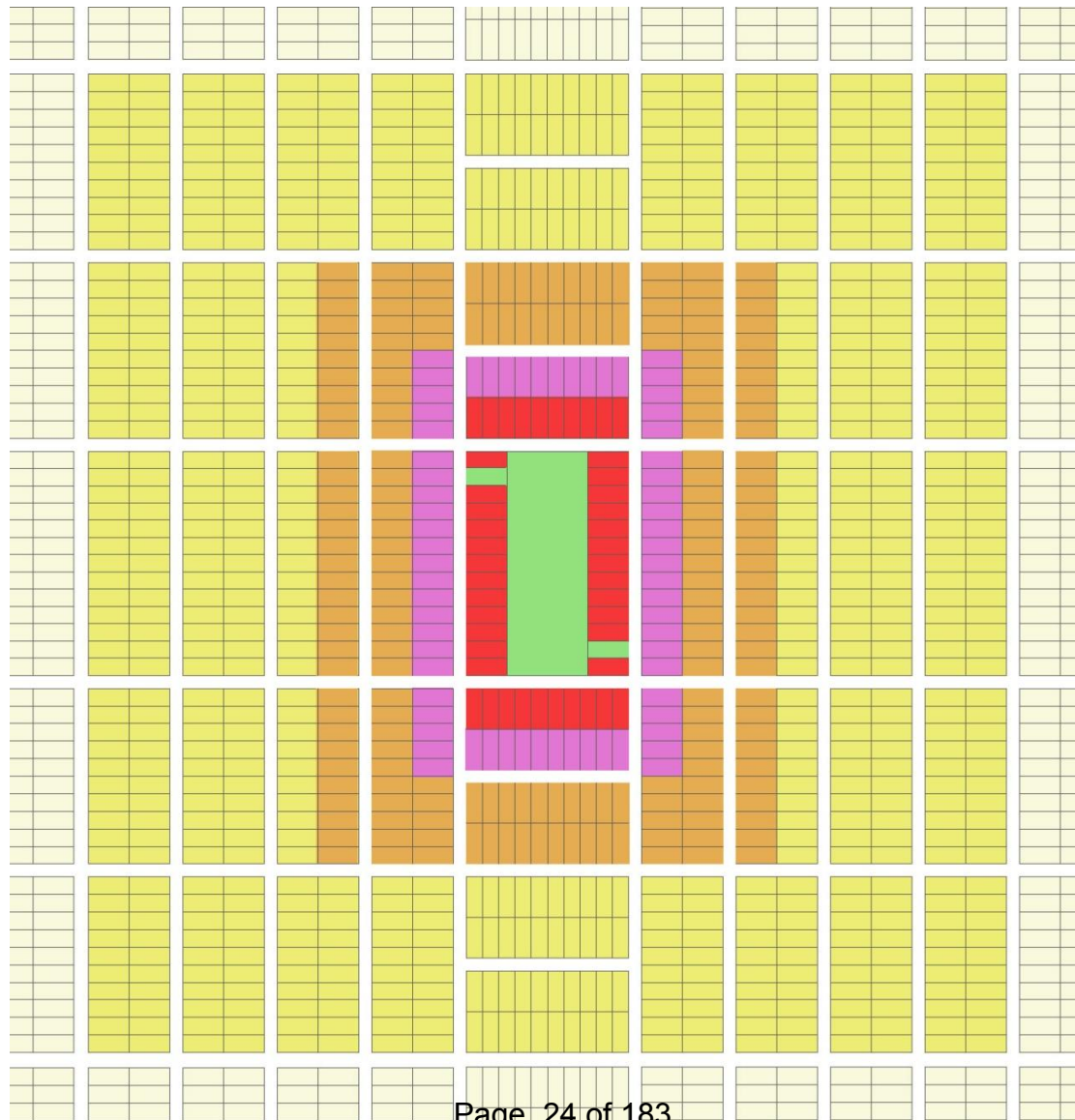
# Allocation of \$100

# \$37.82

## Improving Parks System



# Park Quality Vs. Economic Development



Homes adjacent to the park  
( **within 100 ft.**) **22.3%** price  
premium relative to homes ½  
mile away

Homes within **300 ft.** **15%** price  
premium

Homes within **600 ft.** **5%** price  
premium

Insignificant after 1,300 ft.

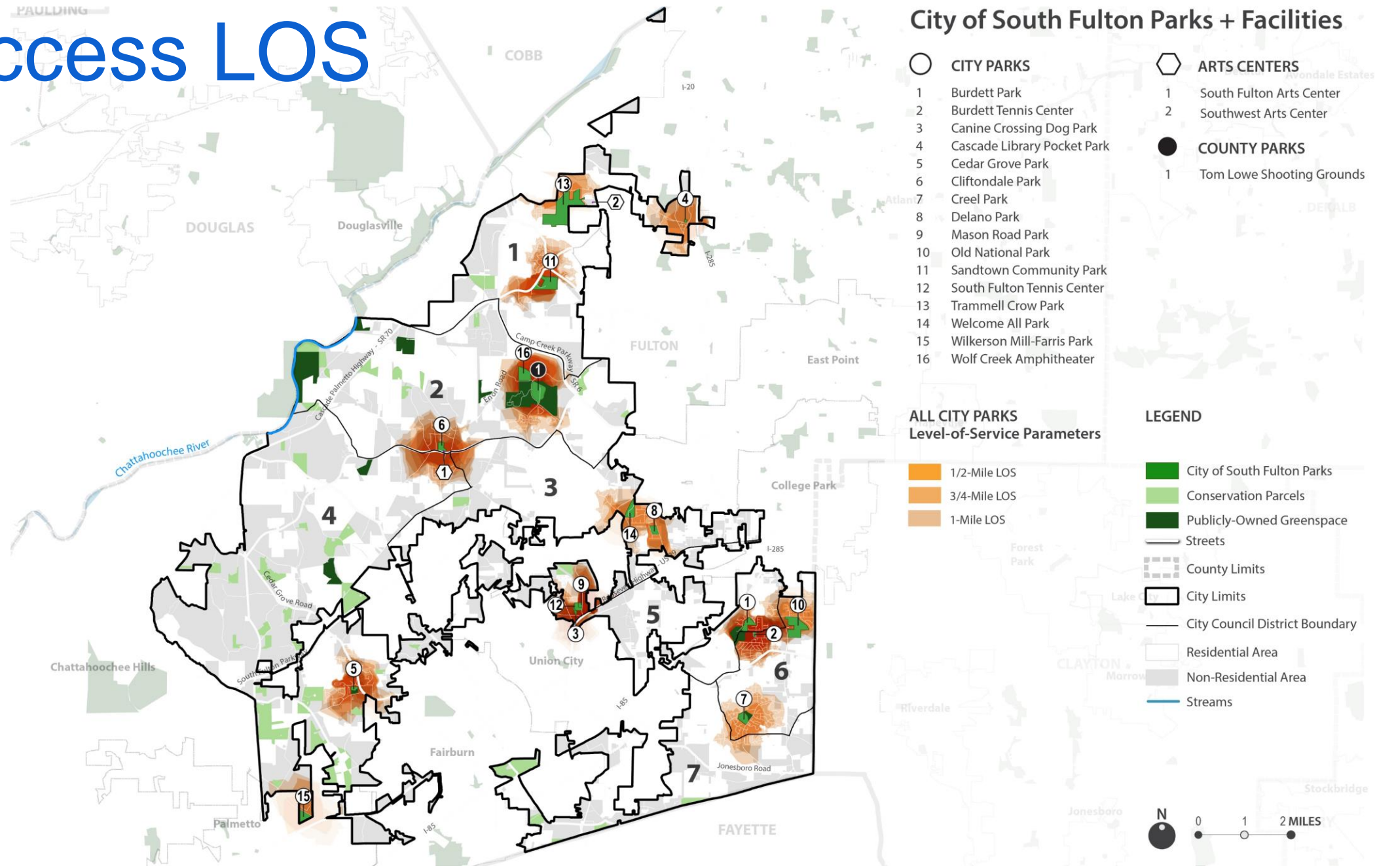
Source: Miller, 2001; Farr, 2008



# 3. Ensure Equitable Access

# Park Access LOS

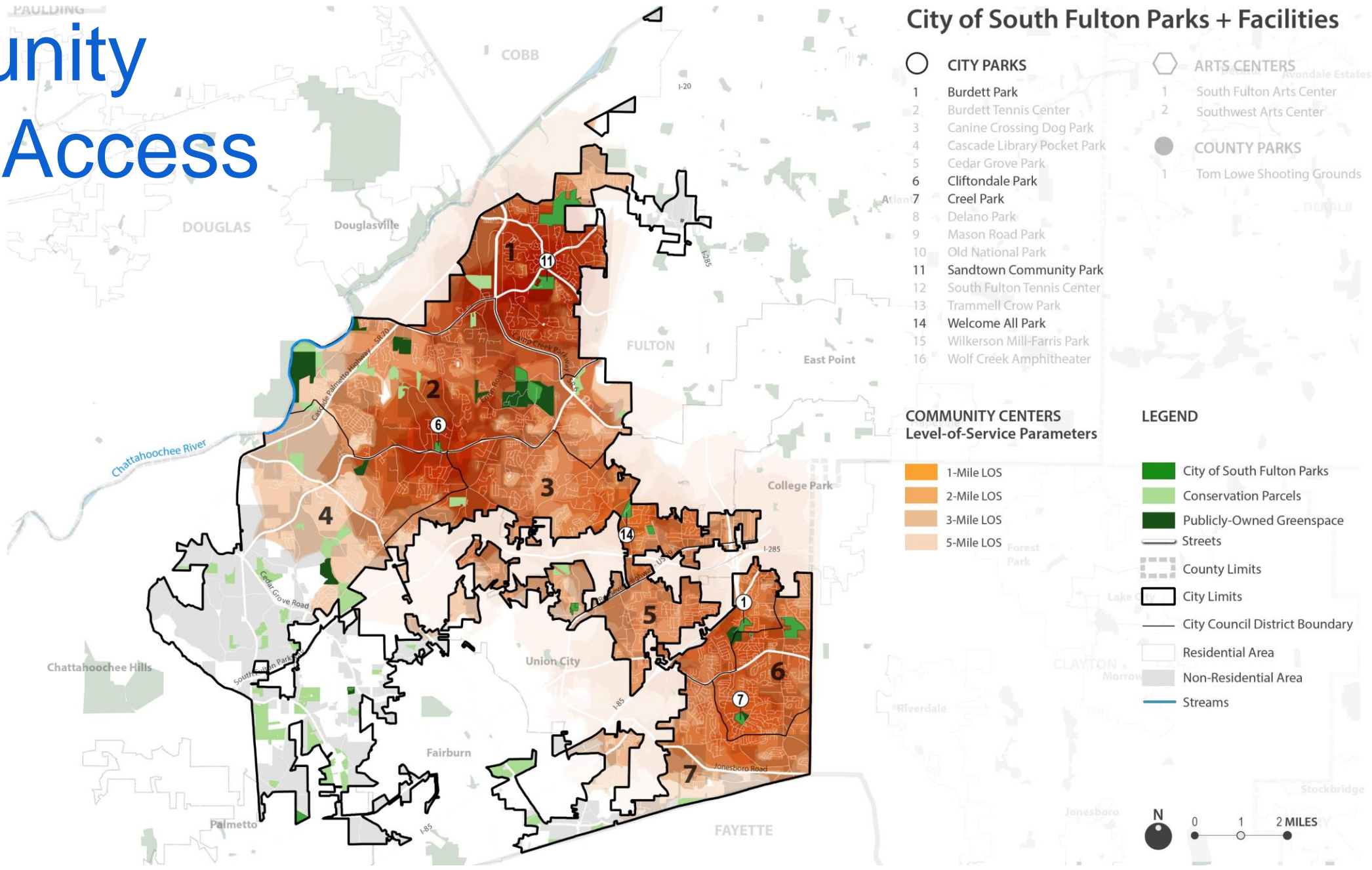
## City of South Fulton Parks + Facilities



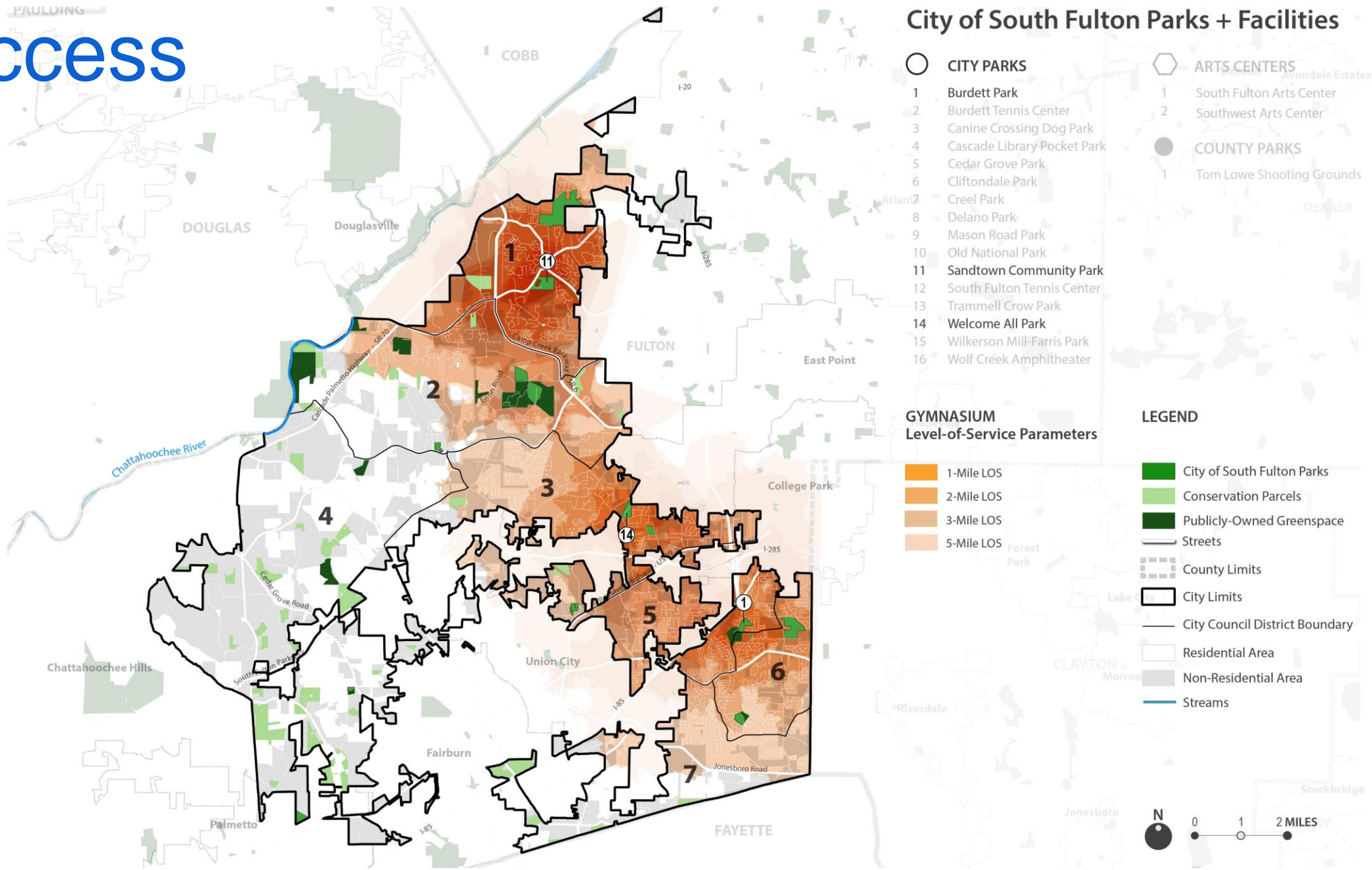
- |                               |                             |
|-------------------------------|-----------------------------|
| ○ CITY PARKS                  | ○ ARTS CENTERS              |
| 1 Burdett Park                | 1 South Fulton Arts Center  |
| 2 Burdett Tennis Center       | 2 Southwest Arts Center     |
| 3 Canine Crossing Dog Park    | ● COUNTY PARKS              |
| 4 Cascade Library Pocket Park | 1 Tom Lowe Shooting Grounds |
| 5 Cedar Grove Park            |                             |
| 6 Cliftondale Park            |                             |
| 7 Creel Park                  |                             |
| 8 Delano Park                 |                             |
| 9 Mason Road Park             |                             |
| 10 Old National Park          |                             |
| 11 Sandtown Community Park    |                             |
| 12 South Fulton Tennis Center |                             |
| 13 Trammell Crow Park         |                             |
| 14 Welcome All Park           |                             |
| 15 Wilkerson Mill-Farris Park |                             |
| 16 Wolf Creek Amphitheater    |                             |

- |                                    |                                  |
|------------------------------------|----------------------------------|
| <b>ALL CITY PARKS</b>              | <b>LEGEND</b>                    |
| <b>Level-of-Service Parameters</b> | ■ City of South Fulton Parks     |
| ■ 1/2-Mile LOS                     | ■ Conservation Parcels           |
| ■ 3/4-Mile LOS                     | ■ Publicly-Owned Greenspace      |
| ■ 1-Mile LOS                       | — Streets                        |
|                                    | ▭ County Limits                  |
|                                    | ▭ City Limits                    |
|                                    | — City Council District Boundary |
|                                    | ▭ Residential Area               |
|                                    | ▭ Non-Residential Area           |
|                                    | — Streams                        |

# Community Center Access LOS



# Gym Access LOS



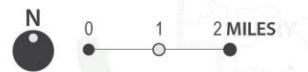
## City of South Fulton Parks + Facilities

- CITY PARKS
  - 1 Burdett Park
  - 2 Burdett Tennis Center
  - 3 Canine Crossing Dog Park
  - 4 Cascade Library Pocket Park
  - 5 Cedar Grove Park
  - 6 Cliftondale Park
  - 7 Creel Park
  - 8 Delano Park
  - 9 Mason Road Park
  - 10 Old National Park
  - 11 Sandtown Community Park
  - 12 South Fulton Tennis Center
  - 13 Trammell Crow Park
  - 14 Welcome All Park
  - 15 Wilkerson Mill-Farris Park
  - 16 Wolf Creek Amphitheater
- ⬡ ARTS CENTERS
  - 1 South Fulton Arts Center
  - 2 Southwest Arts Center
- COUNTY PARKS
  - 1 Tom Lowe Shooting Grounds

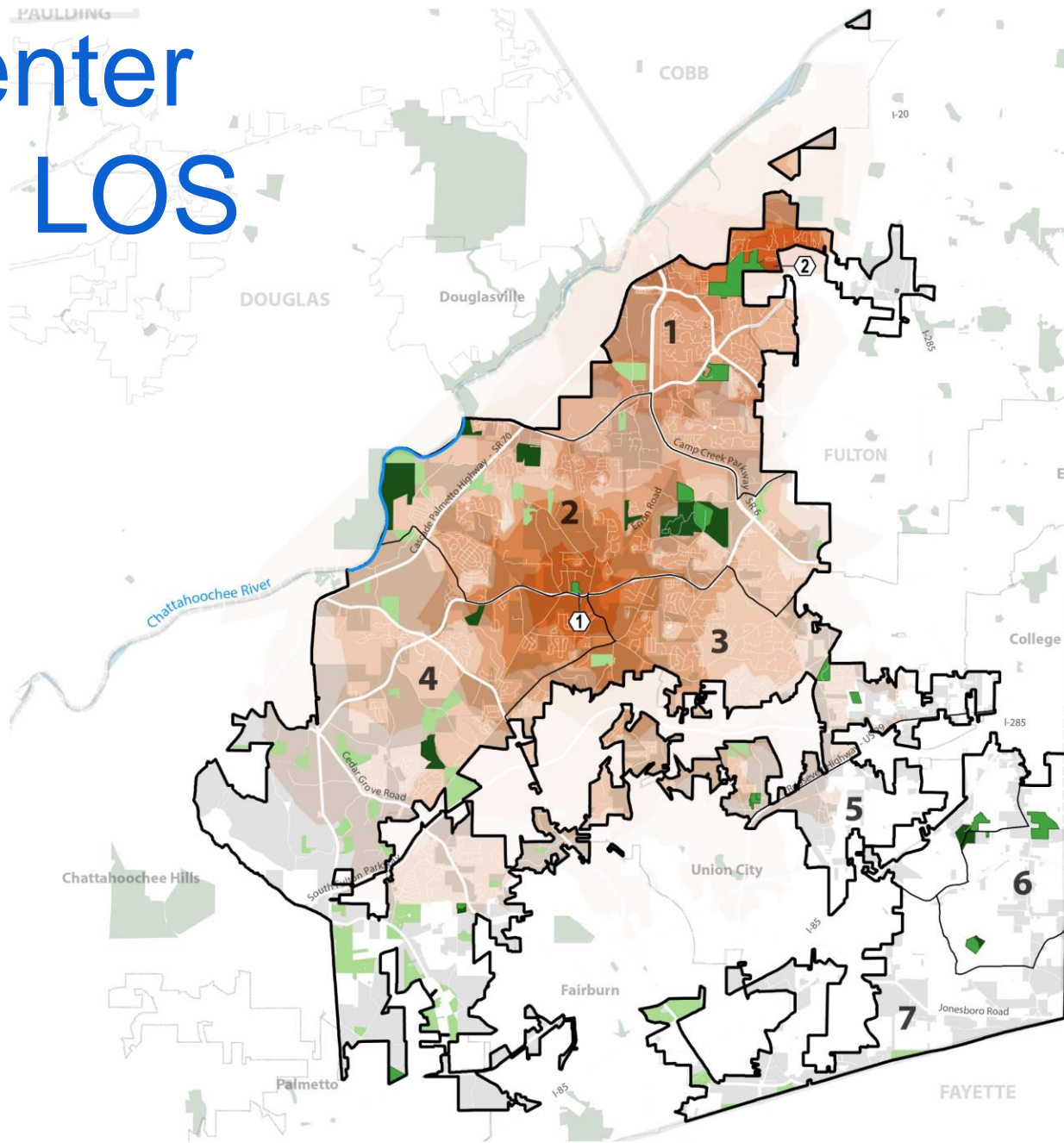
### GYMNASIUM Level-of-Service Parameters

- 1-Mile LOS
- 2-Mile LOS
- 3-Mile LOS
- 5-Mile LOS

- ### LEGEND
- City of South Fulton Parks
  - Conservation Parcels
  - Publicly-Owned Greenspace
  - Streets
  - County Limits
  - City Limits
  - City Council District Boundary
  - Residential Area
  - Non-Residential Area
  - Streams



# Arts Center Access LOS



## City of South Fulton Parks + Facilities

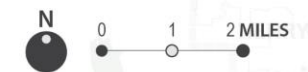
- |                               |                             |
|-------------------------------|-----------------------------|
| ○ CITY PARKS                  | ○ ARTS CENTERS              |
| 1 Burdett Park                | 1 South Fulton Arts Center  |
| 2 Burdett Tennis Center       | 2 Southwest Arts Center     |
| 3 Canine Crossing Dog Park    |                             |
| 4 Cascade Library/Pocket Park | ● COUNTY PARKS              |
| 5 Cedar Grove Park            | 1 Tom Lowe Shooting Grounds |
| 6 Cliftondale Park            |                             |
| 7 Creel Park                  |                             |
| 8 Delano Park                 |                             |
| 9 Mason Road Park             |                             |
| 10 Old National Park          |                             |
| 11 Sandtown Community Park    |                             |
| 12 South Fulton Tennis Center |                             |
| 13 Trammell Crow Park         |                             |
| 14 Welcome All Park           |                             |
| 15 Wilkerson Mill/Parris Park |                             |
| 16 Wolf Creek Amphitheater    |                             |

### ARTS CENTERS Level-of-Service Parameters

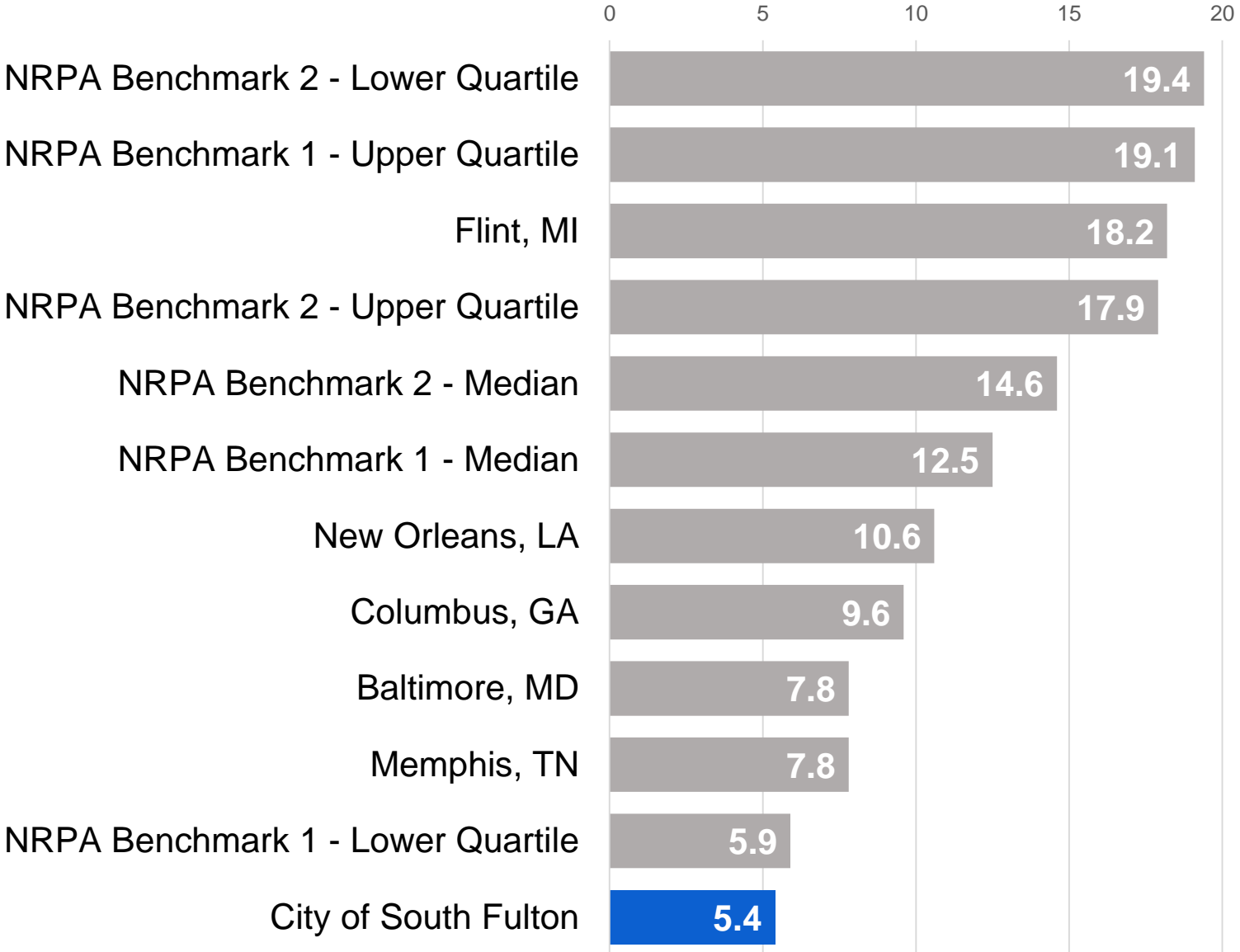
- 1-Mile LOS
- 2-Mile LOS
- 3-Mile LOS
- 5-Mile LOS
- 7-Mile LOS

### LEGEND

- City of South Fulton Parks
- Conservation Parcels
- Publicly-Owned Greenspace
- Streets
- County Limits
- City Limits
- City Council District Boundary
- Residential Area
- Non-Residential Area
- Streams



# 2019 City + Benchmark LOS | Acres per 1,000 Population



# Existing Conditions - Financials

- Build scholarship policies to ensure pricing access for financially burdened families
- Limited cost recovery currently
- Need earned income sources to complement existing General Fund support and fees and charges
- Additional partnerships / sponsorships and naming rights opportunities exist

Cost Recovery Goals by Core Program Area		
Core Program Area	Current Cost Recovery Goal Percentage	Actual Cost Recovery Achieved
Adaptive Programs	20%	n/a
Adult Athletics	100%	50%
Aquatics	100%	n/a
Enrichment Activities	100%	n/a
Fine Arts	125%	n/a
Health & Wellness	125%	n/a
Out of School Activities	30%	40%
Performing Arts	125%	n/a
Special Events	80%	n/a
Youth Athletics	100%	n/a

# 4. Enhance Marketing + Communications



# Reasons preventing use of programs more often

**“I do not know what is being offered”**

**City of South  
Fulton**

**53%**  
**RESPONDENTS**

**National  
Average**

**35%**  
**RESPONDENTS**

# Ways respondents learn about recreation programs and activities

	National Average	City of South Fulton	Difference
Word of Mouth/Friends/Coworkers	48%	43%	-5%
<b>Website</b>	<b>36%</b>	<b>18%</b>	<b>-17%</b>
Social media – Facebook/Twitter	25%	18%	-8%
Newsletters/Flyers/Brochures	24%	17%	-8%
E-mail Bulletin/Email Notification	16%	14%	-2%
<b>Department Brochure</b>	<b>39%</b>	<b>7%</b>	<b>-33%</b>

# 5. Customize Parks, Recreation, and Cultural Priorities



### Qualitative Techniques

- Project Steering Committee
- Elected Official Interviews
- Staff Interviews
- Virtual Focus Group Interviews
- Special Events Input
- Online Survey
- Virtual Public Meetings



### Quantitative Techniques

- **Statistically-Valid Survey**
- Acreage Level-Of Service
- Access Level of Service
- Capacity Level of Services
- Quality Level of Services
- Program Level of Service
- Financial Level of Service
- Benchmarking

### Observational Techniques

- Park Site Evaluations | National +Regional + Local Trends | Population + Demographic Overview

Overview

# City-Wide Facility + Amenity High Priorities

		Analysis Techniques						
		Statistically Valid Survey	Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	LOS Analysis
Paved multi-purpose trails	200	●	●	●	●	●		●
Indoor fitness centers	187		●			●		
Restrooms at parks	141		●	●		●		
Senior center	135	●	●	●	●	●	●	
Sidewalks	135	●	●	●		●		
Recreation center	116	●	●		●	●		
Indoor pool	109	●	●	●	●	●	●	
Natural areas/nature parks	104		●	●	●			

# City-Wide Facility + Amenity Medium Priorities

		Analysis Techniques						
Facilities + Amenities	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	LOS Analysis	Trends Analysis
Unpaved walking & hiking trails	90			●				
Indoor gymnasium	87	●	●		●	●		
Outdoor picnic areas	84		●					
Playground	79		●				●	
Community gardens	78		●	●			●	
Dog park	75			●			●	
Amphitheater	74		●		●	●		
Teen center	68		●	●	●	●		
Outdoor pool	56	●	●	●	●	●	●	
Splash pad/spray ground	55	●	●	●	●	●		
Multi-purpose fields	54		●					
Mini golf	53		●					
Skating rink	51							

# City-Wide Facility + Amenity Low Priorities

		Analysis Techniques							
		Statistically Valid Survey	Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	LOS Analysis	Trends Analysis
Basketball courts	49		●				●	●	●
Tennis courts	45		●						
Golf course	41								
Baseball fields	38		●				●	●	
Skate park	37								
Softball fields	36						●	●	●
Football fields	35		●				●	●	●
Soccer fields	33						●	●	●
Dirt bike park	26								
Music recording studio	24								
Disc golf course	21								
Boxing ring	20								
Lacrosse fields	15								
Pickleball courts	12								
Rugby fields	7								

# City-Wide Programs + Activities High Priorities

Programs + Activities	Statistically Valid Survey	Analysis Techniques					
		Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	Trends Analysis
Fitness/wellness programs	200	●	●	●	●	●	●
Learn to swim	115	●	●	●	●	●	
Senior leisure programs	101	●	●				
Community special events	101	●	●	●	●		



# City-Wide Programs + Activities Medium Priorities

Programs + Activities	Analysis Techniques						
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	Trends Analysis
Health education programs	96	●	●		●		
Water fitness	87	●	●		●	●	
Movies in the park	81		●			●	
Senior classes	79	●	●			●	
Cooking classes	78		●		●	●	
Arts/painting/crafts/drawing classes	64	●	●		●		
Performing arts/dance	62	●	●		●	●	
Recreation sports programs	61	●	●				
Teen programs	59	●	●	●		●	
Digital media, photography programs	52	●	●				
Camps (summer/school break)	52	●	●	●	●	●	

# City-Wide Programs + Activities

## Low Priorities

Programs + Activities	Statistically Valid Survey	Analysis Techniques					Trends Analysis
		Elected Official Interviews	On-line Survey	Steering Committee Meeting	Virtual Public Meetings	Special Events Input	
Nature programs	48		●	●	●	●	
Educational lecture series	45		●		●		
Art exhibits	44	●	●	●			
Before & after school programs	41	●	●	●		●	
Programs for people with disabilities	39	●			●	●	
Athletic special events	38		●				
Adult athletic leagues	38		●				
Competitive sports programs	35		●				
Music programs	34	●	●	●			
Film programs	34	●	●				
Martial arts	33	●	●				
Adult education	30		●			●	
Kickball	28		●				
Programs with children's meals	28					●	
Preschool programs	26					●	
Boxing programs	24	●					
Child day care	23					●	
Video gaming/virtual gaming	22	●			●	●	

# District 6 High Priorities

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
<b>Facilities + Amenities</b>				
Paved multi-purpose trails	●	●		●
Indoor fitness centers	●		●	
Restrooms at parks	●		●	
Senior center	●		●	●

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
<b>Programs + Activities</b>				
Fitness/wellness programs	●	●	●	●
Senior leisure programs	●		●	
Community special events	●			●
Health education programs	●			●
Water fitness	●	●	●	●
Arts/painting/crafts/drawing classes	●			
Camps (summer/school break)	●			●

# District 6 Medium Priorities

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
<b>Facilities + Amenities</b>				
Sidewalks	●	●		●
Recreation center	●		●	●
Indoor pool	●	●	●	●
Natural areas/ nature parks	●			●
Indoor gymnasium	●			
Outdoor picnic areas	●			
Community gardens	●			
Amphitheater	●			
Teen center	●			
Mini golf	●			
Golf course	●			
Skate park	●			

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
<b>Programs + Activities</b>				
Learn to swim	●	●		●
Movies in the park	●			
Senior classes	●			
Cooking classes	●			
Performing arts/dance	●			
Recreation sports programs	●			
Teen programs	●			
Digital media, photography programs	●			

# District 6

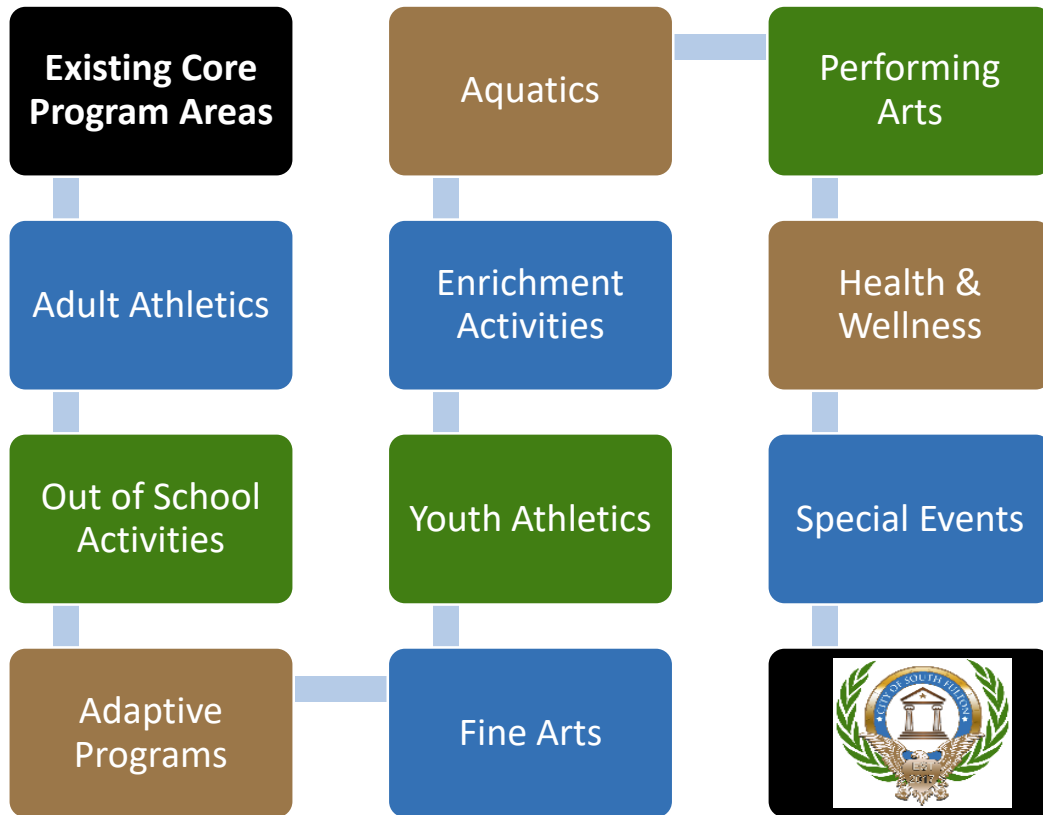
## Low

## Priorities

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
Unpaved walking & hiking trails	●			
Playground	●			●
Dog park	●	●		
Outdoor pool	●	●		●
Splash pad/spray ground	●			●
Multi-purpose fields	●			
Skating rink	●			
Basketball courts	●			●
Tennis courts	●			●
Baseball fields	●			
Softball fields	●			
Football fields	●			
Soccer fields	●			
Dirt bike park	●			
Music recording studio	●			
Disc golf course	●			
Boxing ring	●			
Lacrosse fields	●			
Pickleball courts	●			●
Rugby fields	●			

	Analysis Techniques			
	Statistically Valid Survey	Elected Official Interviews	On-line Survey	Virtual Public Meetings
Art exhibits	●			
Before & after school programs	●			●
Programs for people with disabilities	●			●
Adult education	●			●
Nature programs	●			●
Educational lecture series	●			●
Athletic special events	●			
Adult athletic leagues	●			
Competitive sports programs	●			
Music programs	●			
Film programs	●			
Martial arts	●			
Kickball	●			
Programs with children's meals	●			
Preschool programs	●			
Boxing programs	●			
Child day care	●			
Video gaming/virtual gaming	●			

# Good Foundation of Core Program Areas and opportunities in Age Segments Served



Age Segment Analysis						
Core Program Area	Preschool (5 & Under)	Elementary (6-12)	Teens (13-17)	Adult (18+)	Senior (55+)	All Ages Programs
Adaptive Programs		P	S			
Adult Athletics				P	S	
Aquatics						P
Enrichment Activities			P		S	
Fine Arts						P
Health & Wellness			S	P	S	
Out of School Activities		P	S			
Performing Arts						P
Special Events						P
Youth Athletics	S	P				

# Strong Program Lifecycle Distribution

Lifecycle	Description	Actual Programs Distribution		Recommended Distribution
Introduction	New Programs; modest participation	38%	76%	50%-60% Total
Take-Off	Rapid participation growth	36%		
Growth	Moderate, but consistent participation growth	2%		
Mature	Slow participation growth	16%	16%	40%
Saturation	Minimal to no participation growth; extreme competition	5%	7%	0-10% Total
Decline	Declining participation	2%		

# Diverse Pricing Strategies Used

Pricing Strategies										
Core Program Area	Age Segment	Family/ Household Status	Residency	Weekday/ Weekend	Prime / Non-Prime Time	Group Discounts	By Location	By Competition (Market Rate)	By Cost Recovery Goals	By Customer's Ability to Pay
Adaptive Programs	x		x					x	x	
Adult Athletics			x			x		x	x	
Aquatics	x		x			x		x	x	
Enrichment Activities	x		x					x	x	
Fine Arts	x		x	x			x	x	x	
Health & Wellness	x		x	x		x	x	x	x	
Out of School Activities		x	x	x	x	x		x	x	
Performing Arts	x		x	x	x	x	x	x	x	
Special Events	x		x	x		x	x	x	x	
Youth Athletics	x		x			x	x	x	x	



# 6. Maximize Resource Generation + Allocation

# Existing Conditions - Programmatic

- Further integrate cultural affairs into the Department to set the direction for assets and services in coming years
- Target markets need to be better defined during program development process
- Program Standards and Quality Assurance Measures in the process of being established to help ensure consistency
- Accurate communication with user group participants/parents
- Identify the community's expectation and develop performance measures to achieve success

# Existing Conditions - Operations

- An assessment and comprehensive approach to cultural affairs is needed
- Best practices in service delivery and partnership management needed
- Tracking data from operations is present. Key performance indicators are needed to ensure management to outcomes and better resource allocation (Equipment, personnel, financial)
- Professional development plan for staff is needed
- Organizing outside events on City property can occasionally be a challenge
- Customer service training and standards are needed for onboarding program, customer greeting, attire, expectation and recognition for achieving outcomes

# Perception of the Value of Parks, Trails, Recreation and Cultural Affairs During COVID-19

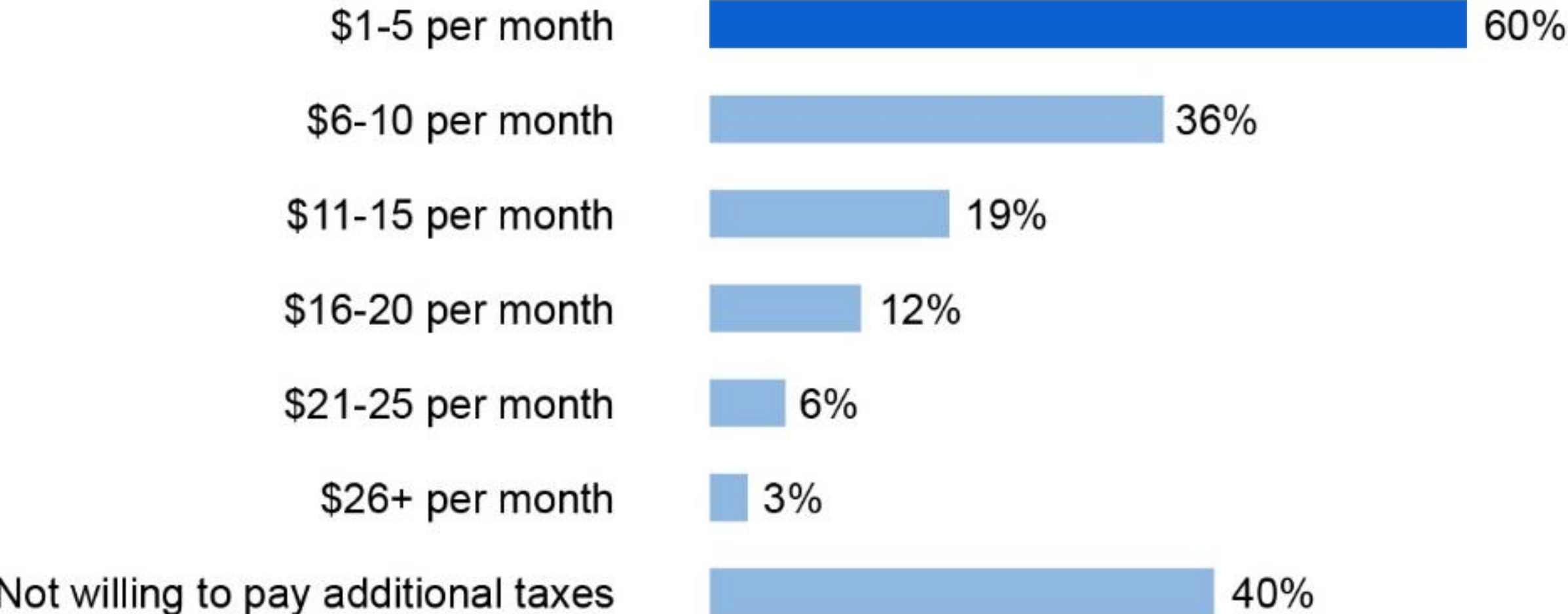
Value has Increased or Somewhat Increased

**75%**  
**RESPONDENTS**

Increase Funding \$

**92%**  
**RESPONDENTS**

# Willingness to Pay Increased Taxes Per Month



# Source of Funds



# Key Summary Findings

## 6

1. Continue Positioning Parks, Recreation, and Cultural Affairs as Essential Services
2. Upgrade Existing Parks, Recreation, and Cultural Facilities
3. Ensure Equitable Access
4. Enhance Marketing + Communications
5. Customize Parks, Recreation, and Cultural Priorities
6. Maximize Resource Generation + Allocation

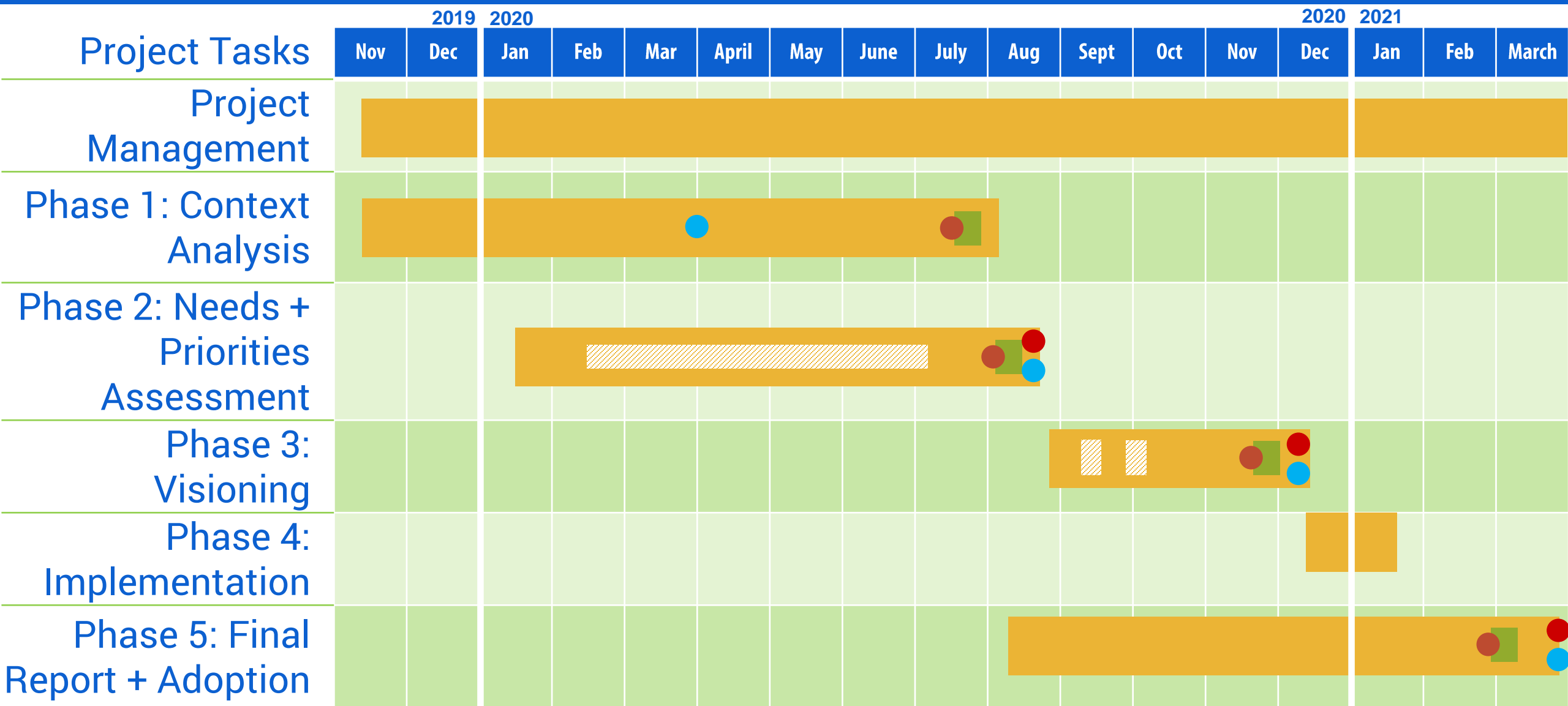
# Agenda

- Project Overview
- Summary Findings
- Questions + Answer
- Next Steps



# City of South Fulton

## Parks, Recreation, and Cultural Affairs Master Plan



**Legend**

Public Engagement

Deliverable Submittal + City Review

Steering Committee Presentation

City Council Presentation





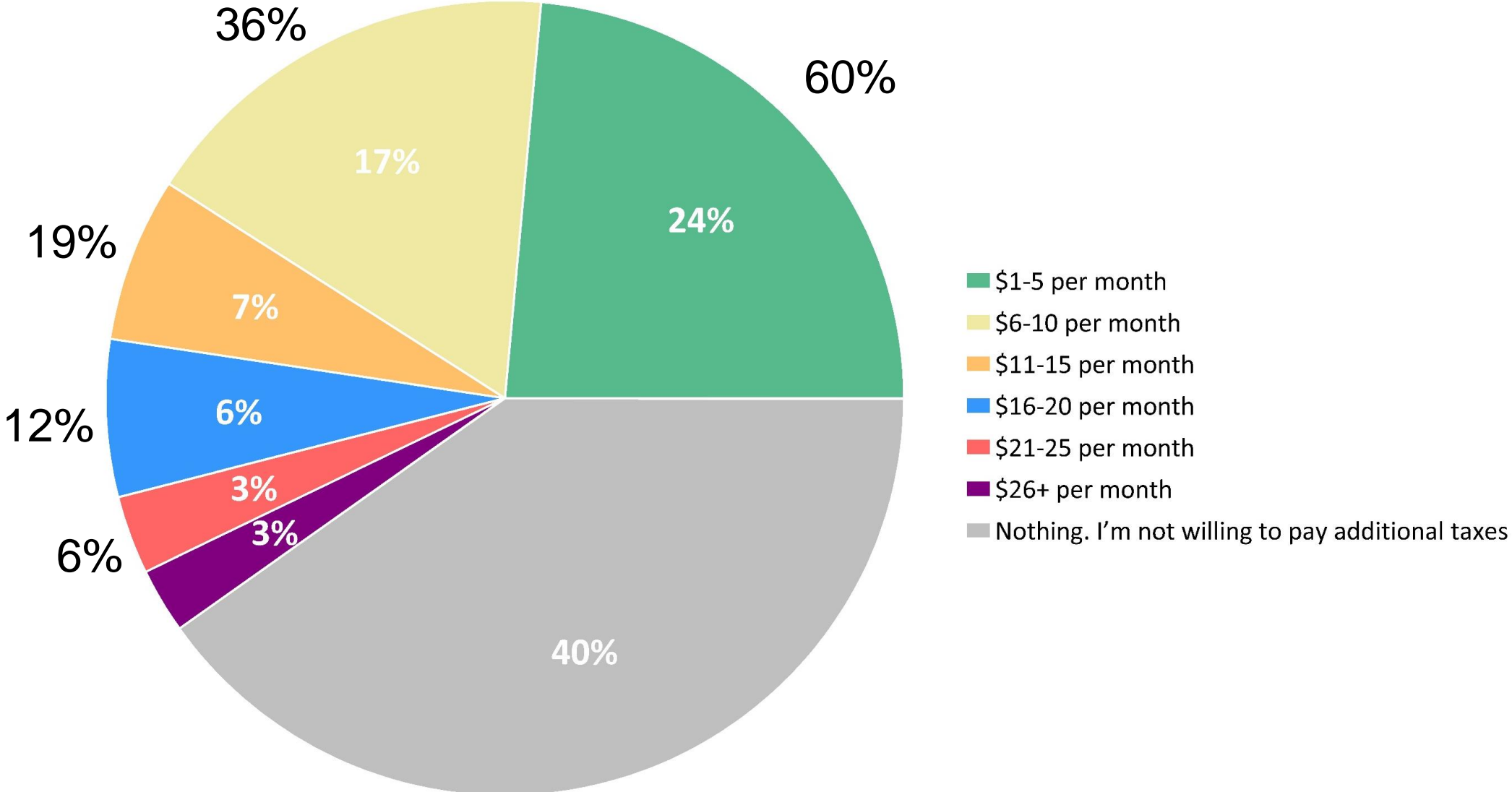
# City of South Fulton

**PARKS + RECREATION + CULTURAL MASTER PLAN**

**ONE CITY • ONE PARK SYSTEM**

## **Existing Conditions + Needs Assessment Summary Findings**

# Willingness to Pay Increased Taxes





**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on South Fulton Comprehensive

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

---

**ATTACHMENTS:**

Description	Type	Upload Date
COSF Comprehensive Transportation Plan	Cover Memo	9/2/2020



# Southern Fulton County Comprehensive Transportation Plan

## Final Plan Presentation for City Councils

### August & September 2020



# Agenda



## What is the SFCTP?

Study Area, Milestones, and Schedule

## How Were the Public & Stakeholders Engaged?

In-Person and Digital Engagement, COVID-19 Response

## What are the Recommendations and How Did We Get There?

Project Prioritization Results, Recommendations

## What's Next?

Adoption by City Councils

# What is the SFCTP?

Study Area, Milestones, and Schedule

# What is the SFCTP?

- Southern Fulton Comprehensive Transportation Plan (SFCTP)
- Master list of prioritized transportation projects for 8 cities across all modes providing mobility options for all users
  - Financially Feasible Plan
    - Short-Term (5 years)
    - Mid-Term (10 years)
  - Long Term (10+ years)
- Can be used to:
  - Populate project list for next SPLOST program
  - Apply for federal funding from ARC during project solicitation process

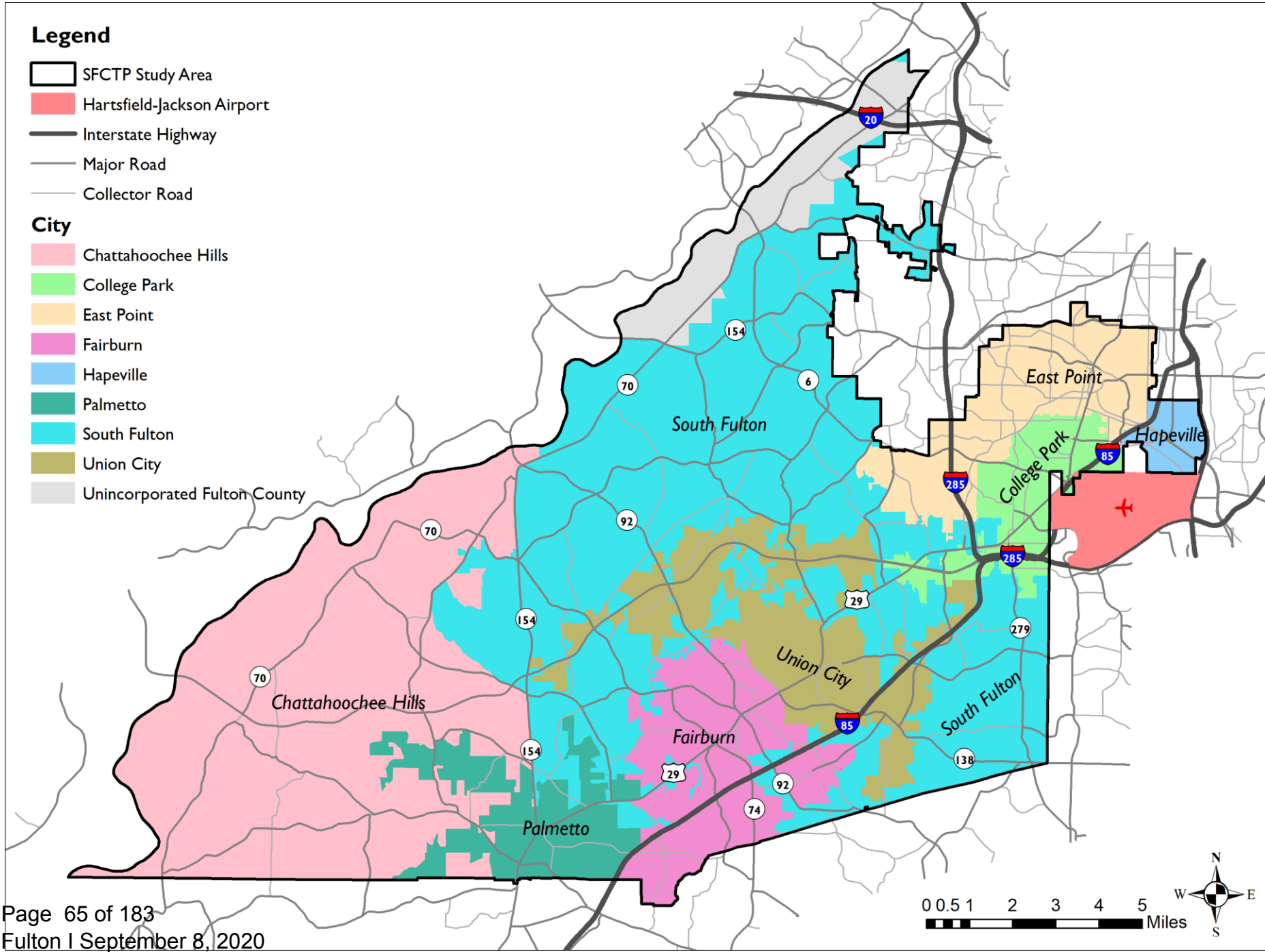




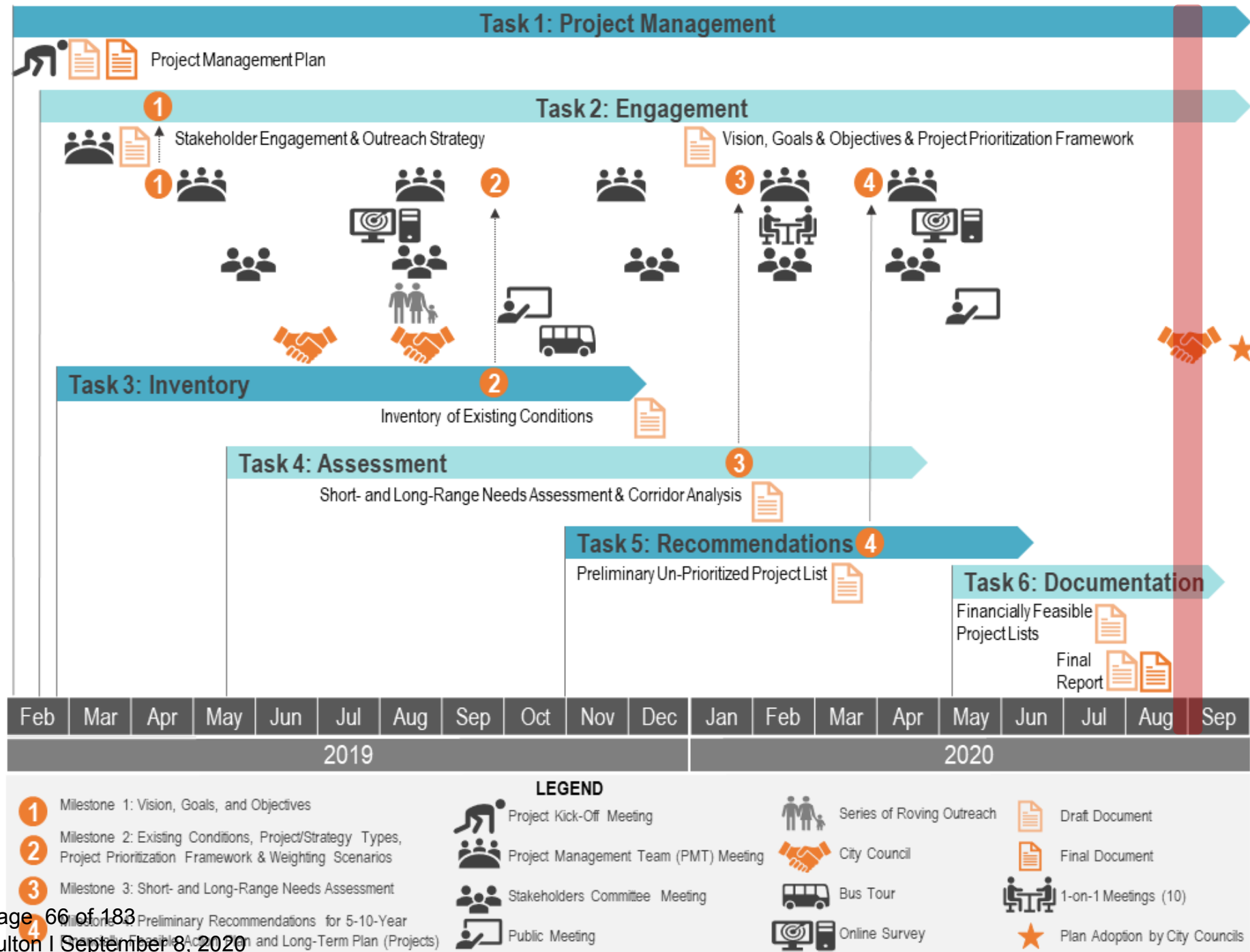
# SFCTP Study Area

## Legend

- SFCTP Study Area
- Hartsfield-Jackson Airport
- Interstate Highway
- Major Road
- Collector Road
- City**
- Chattahoochee Hills
- College Park
- East Point
- Fairburn
- Hapeville
- Palmetto
- South Fulton
- Union City
- Unincorporated Fulton County



# Plan Overview Milestones & Schedule



# How Were the Public & Stakeholders Engaged?

In-Person and Digital Engagement, COVID-19 Response

# How were stakeholders engaged?

6

Project Management Team (PMT) Meetings

5

Stakeholder Committee (SC) Meetings

1

Mayors' Charrette (May 2019)

1

Bus Tour with PMT, Stakeholders and Local Elected Officials

10

One-on-One Meetings with Cities, GDOT, and MARTA

16

Presentations to City Councils



# How was the public engaged?

8

In-Person Public Meetings (September 2019)

72

In-Person Public Meeting Attendees

3,011

Views of September 2019 Public Meetings

3

Live Recorded Virtual Public Meetings (May 2020)

1,179

Views of May 2020 Virtual Public Meetings

16

Presentations to City Councils

8

Roving Outreach Events in the Community

1,134

Responses to Survey #1

628

Responses to Survey #2

1

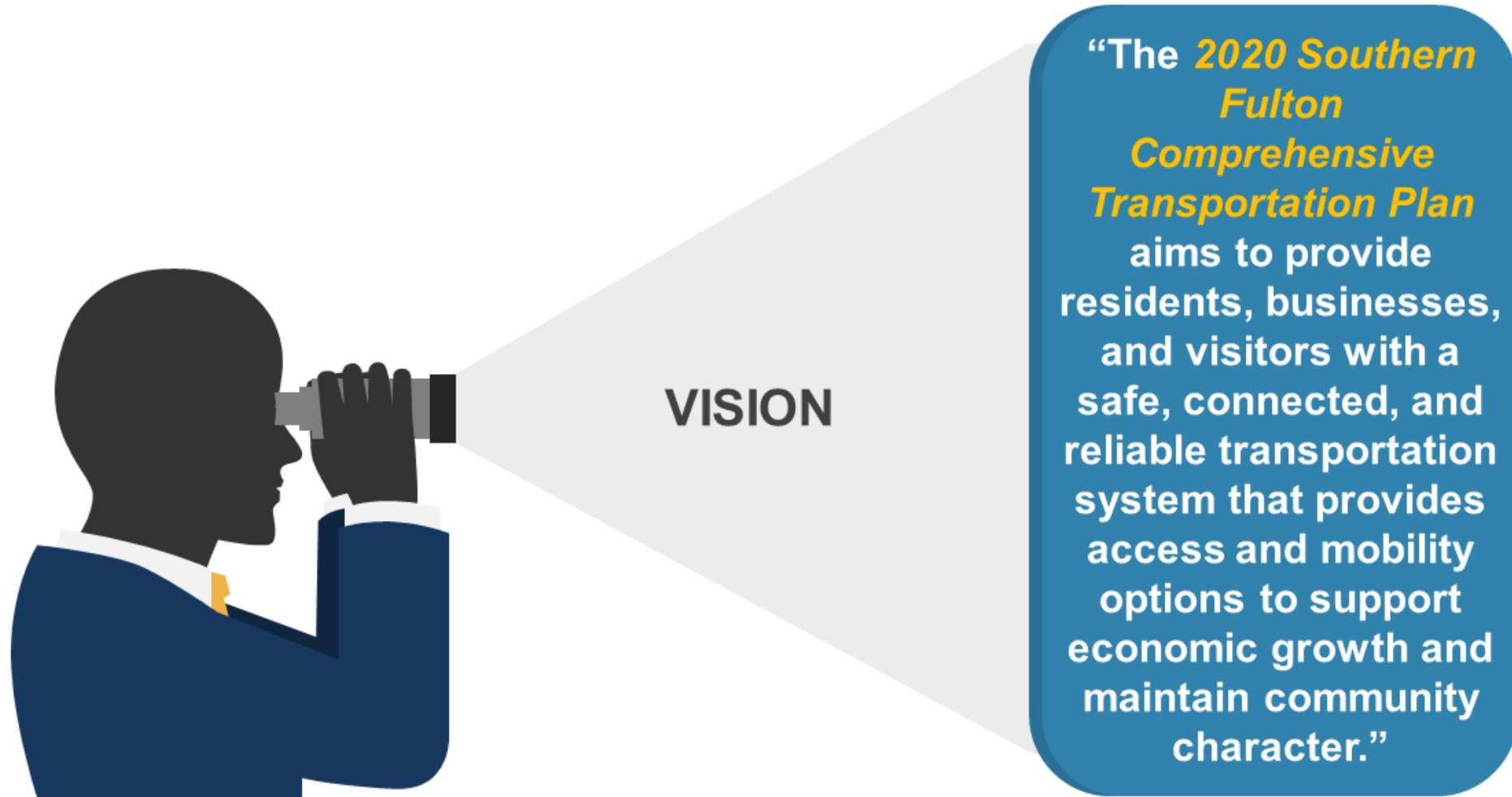
Online Mapping Tool for Project Comments




# How Were Recommendations Developed and Prioritized?

Vision, Goals & Objectives, Needs Assessment, Project Prioritization Framework




# What is the Vision?




# What are the Goals & Objectives?






**Goal 1: Provide safe and reliable mobility options for all.**

Objectives:	
	Ensure the availability of transportation options for people of all ages and abilities.
	Provide new and improved transportation facilities that support existing and emerging modes.
	Promote last-mile connectivity to leverage existing and planned public transit.
	Facilitate the implementation of new and emerging technologies, such as connected and autonomous vehicles, to improve safety.

Page 72 of 183



**Goal 2: Provide a connected, reliable transportation system that operates efficiently and supports future growth.**

Objectives:	
	Address existing and future congestion on major roads and intersections.
	Balance mobility and accessibility through improved access management.
	Promote innovative approaches for reducing congestion and promoting travel time reliability across multiple modes.
	Provide new or improved transportation connections.












**Goal 3: Promote economic growth in Southern Fulton and the metropolitan Atlanta region.**

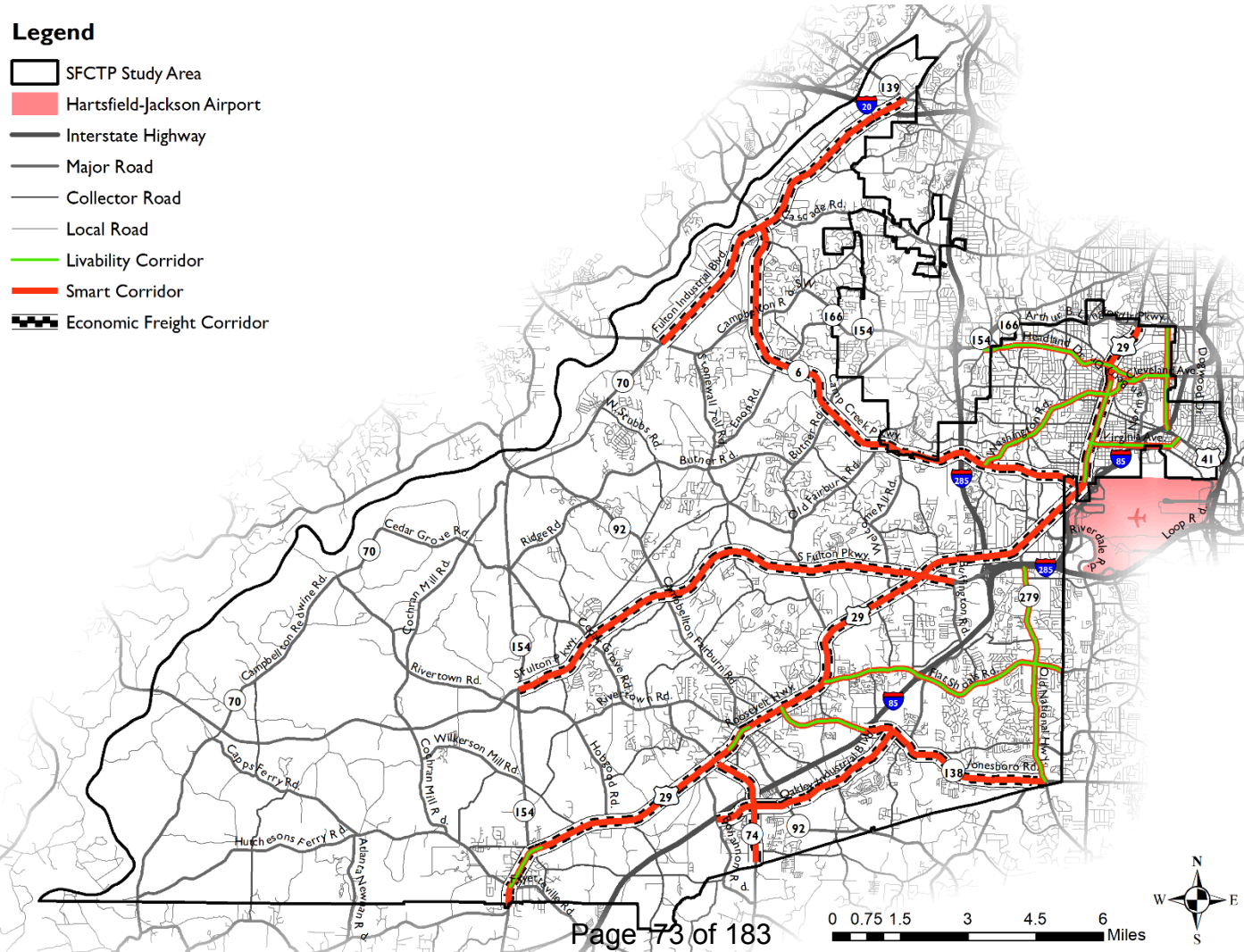
Objectives:	
	Ensure long-term success of regional economic generators, including the Hartsfield Jackson Atlanta International Airport and existing freight and logistics areas.
	Provide safe and efficient freight facilities that minimize conflicts with other modes and uses.
	Coordinate transportation improvements with local and regional land use and economic development plans to promote transportation facilities that support existing and future development patterns.
	Provide context-sensitive improvements that enhance the existing character of the area.



# How did we account for different users along specific corridors?

## Legend

-  SFCTP Study Area
-  Hartsfield-Jackson Airport
-  Interstate Highway
-  Major Road
-  Collector Road
-  Local Road
-  Livability Corridor
-  Smart Corridor
-  Economic Freight Corridor



**A UNIQUE ASPECT OF THE SFCTP WAS THE DEVELOPMENT OF A CORRIDOR FRAMEWORK FOR CONSIDERATION DURING FUTURE LAND USE AND ZONING DECISIONS AND TO FOCUS THE TYPES OF TRANSPORTATION IMPROVEMENTS ALONG THE CORRIDOR BASED ON THE INTENDED USES.**



### Smart Corridors

Corridors where technology upgrades are most beneficial for improved safety and operations.



### Livability Corridors

Corridors with commercial, residential, and mixed-use land uses, and activity centers. These corridors have high bicycle, pedestrian, and transit volumes.



### Economic Freight Corridors

Corridors where projects focus on improving freight and economic activity. These corridors have heavy commercial vehicle volumes and industrial land uses.

# How were projects evaluated?

- Projects were identified based on the Needs Assessment and stakeholder and public input
- The project prioritization evaluation criteria align with the Vision, Goals & Objectives and were developed and refined based on stakeholder and public input
- Specific metrics were identified for each evaluation criteria



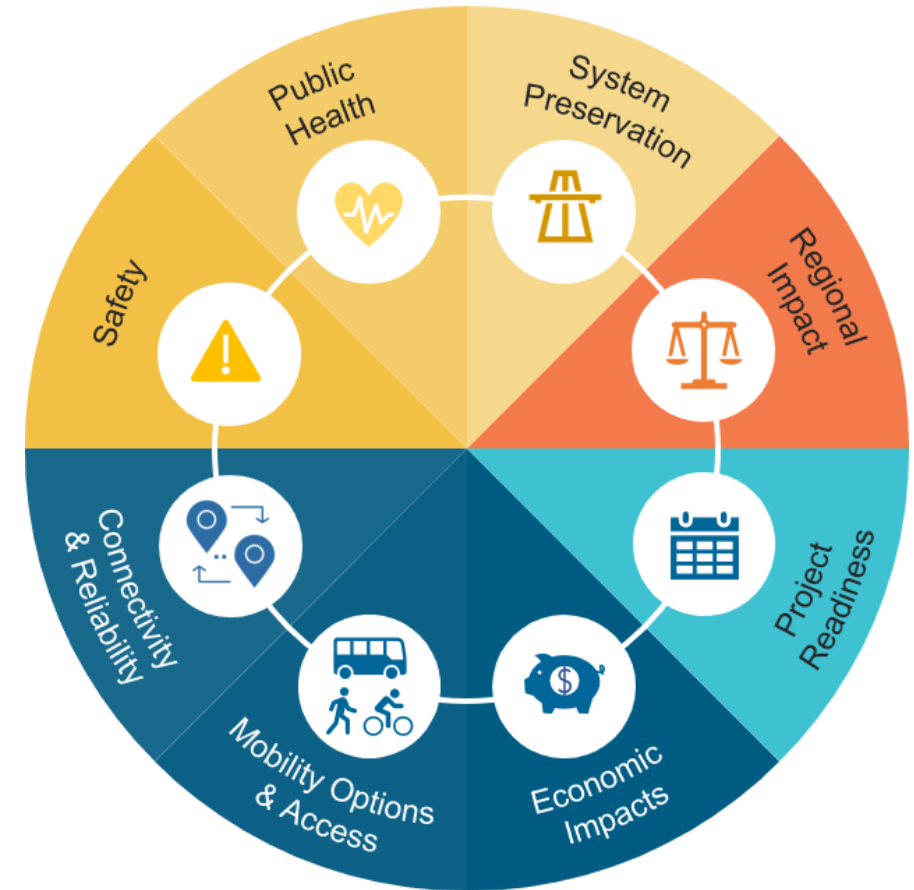
**Refined  
Vision**



**Refined  
Goals &  
Objectives**

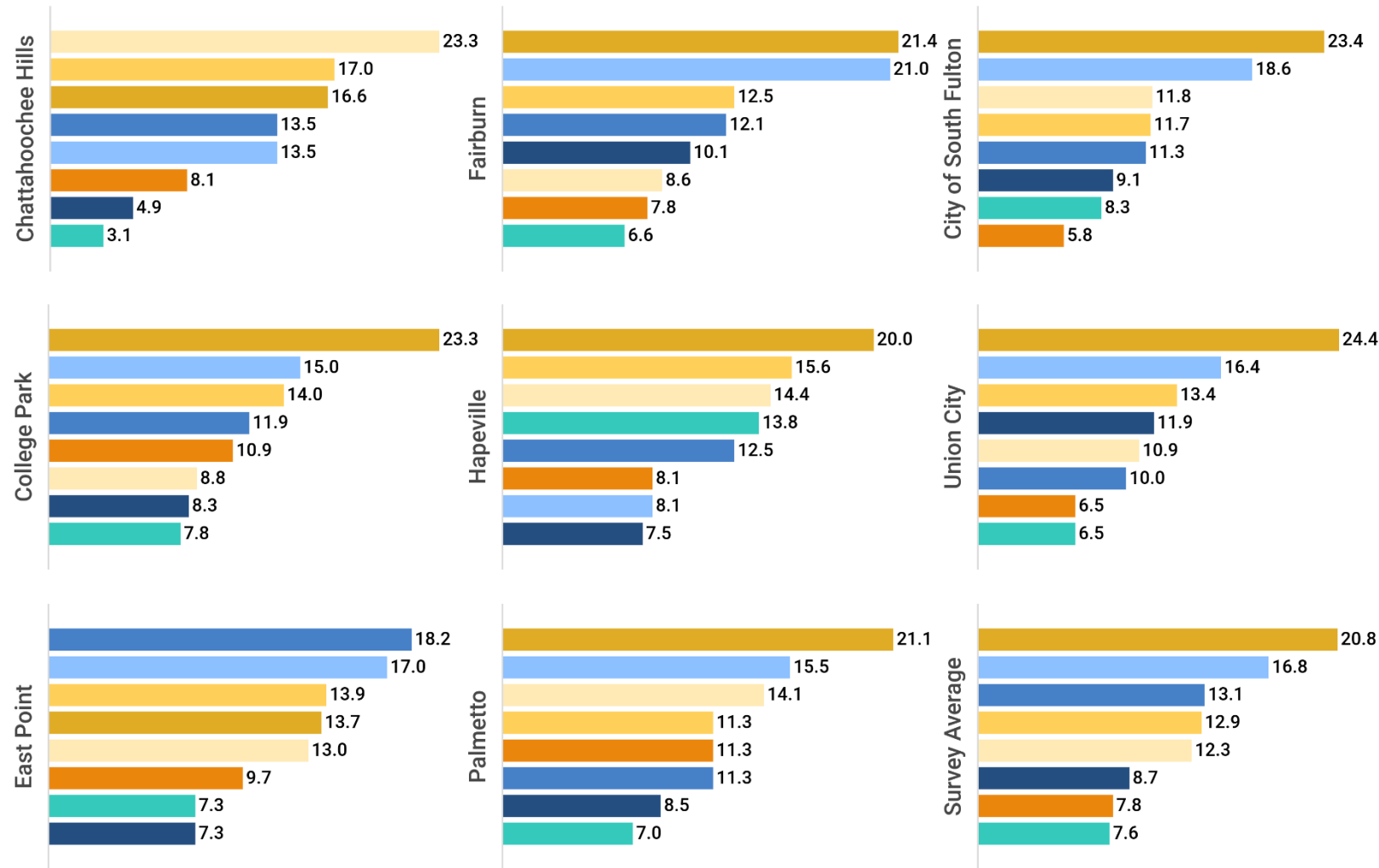
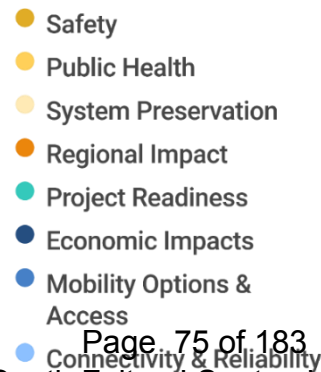


**Weighting  
Scenarios**



# How does the plan account for differing values among cities when prioritizing projects?

- Each city's prioritization weighting was evaluated based on the online survey in which respondents were asked to select their city.
- The average resulted in **Safety** as the top priority, followed by **Connectivity & Reliability** and **Mobility Options & Access**.



# How did we prioritize projects?

- 01 Universe of Projects**  
List of project ideas based on data needs and stakeholder input
- 02 Raw Score**  
Based on the selected metrics
- 03 City Weighting**  
Based on survey #1 results by city
- 04 Regional Weighting**  
Based on all survey #1 results combined
- 05 Ranking**  
Prioritized list of projects in order by combined city and regional score

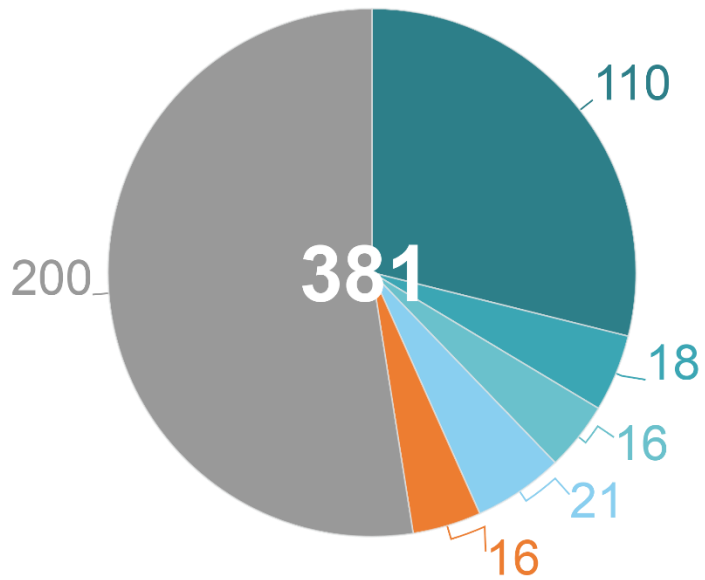


# What Are the Recommended Projects?

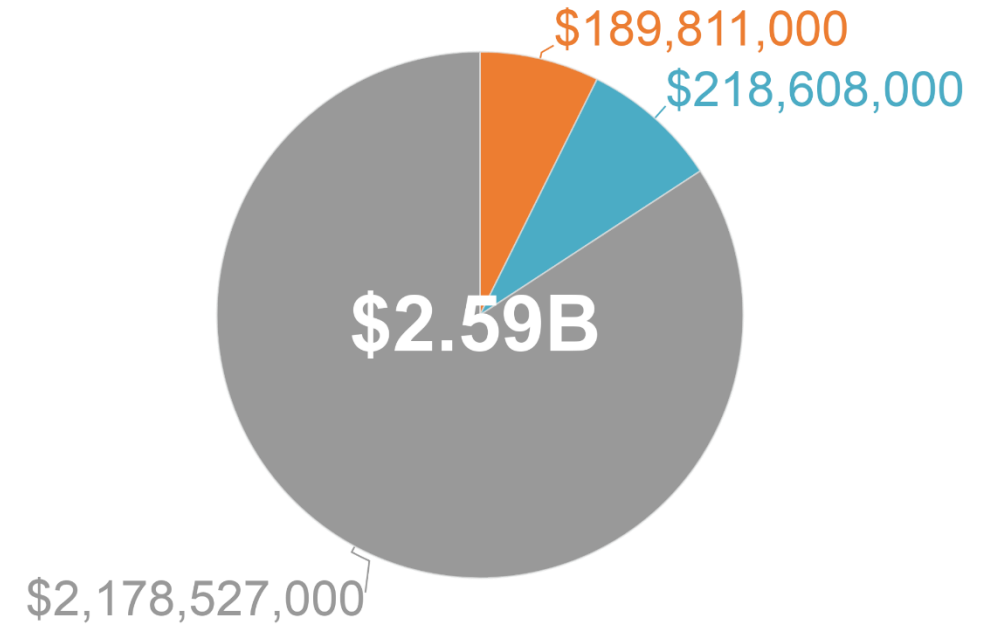
Final Project Recommendations

# How many NEW projects are included in the recommendations?

## Total Number of Projects



## Total Project Costs



- Projects entirely funded within the 5-year timeframe

- Projects entirely funded within the 5-year & 10-year timeframe

- Projects entirely funded within the 6-10-year timeframe

- Projects beginning the 10-year timeframe with some funding in long-term

- Projects with some funding in each the 5-year, 10-year & long-term

- Costs in the 5-year timeframe

- Costs in the 6-10-year timeframe

- Costs in the long-term timeframe

# Recommendations Summary

	5-Year Financially Feasible Plan		10-Year Financially Feasible Plan		Long-Term Plan		Total	
Jurisdiction*	No.	Cost	No.	Cost	No.	Cost	No.	Cost
Chattahoochee Hills	18	\$3,585,000	2	\$4,079,000	25	\$195,581,000	45	\$203,245,000
College Park	37	\$16,626,000	12	\$15,131,000	38	\$254,862,000	87	\$286,619,000
East Point	53	\$35,599,000	15	\$42,971,000	21	\$167,456,000	89	\$246,026,000
Fairburn	25	\$5,628,000	3	\$5,786,000	22	\$160,496,000	50	\$171,910,000
Hapeville	27	\$8,361,000	6	\$7,882,000	10	\$57,050,000	43	\$73,293,000
Palmetto	20	\$5,538,000	1	\$5,722,000	8	\$67,745,000	29	\$79,005,000
City of South Fulton	59	\$88,813,000	16	\$108,238,000	61	\$707,050,000	136	\$904,101,000
Union City	28	\$25,384,000	3	\$28,521,000	20	\$202,768,000	51	\$256,673,000
Unincorporated Fulton County	15	\$275,000	5	\$276,000	29	\$365,518,000	49	\$366,069,000
<b>Southern Fulton Region</b>	<b>144</b>	<b>\$189,811,000</b>	<b>37</b>	<b>\$218,608,000</b>	<b>200</b>	<b>\$2,178,527,000</b>	<b>381</b>	<b>\$2,586,946,000</b>

\*Note that the numbers of projects by jurisdiction add up to more than the total number of projects because multi-jurisdictional projects are counted in each jurisdiction in which they are located. There are 11 project recommendations that apply to all jurisdictions and are included in each city's total. The totals also include non-capital project recommendations for plans and studies, which make up 21 of the 381 total project recommendations. Additionally, there are 28 recommendations for coordination and policies, which do not have costs associated with them and are not included in the totals.

# Where some key projects in the City of South Fulton?

## Bicycle & Pedestrian

- Sidewalks on Riverside Dr. SW, Union Rd., Vandiver Rd., and Campbellton Rd. (near West Lake High School)
- Sidewalks on SR 92/Campbellton Fairburn Rd. and SR 154/Cascade Palmetto Hwy. (CDAP study area)
- Various sidewalks & crosswalks in conjunction with MARTA's planned bus shelters

## Trails

- South Fulton TrailNet
- Trail along US 29\*
- Aero ATL Greenway Outer Loop Trail\*
- Chattahoochee RiverLands Greenway along Chattahoochee River\*



# Where some key projects in the City of South Fulton?

## Roadway Asset Management

- Resurfacing (lump sum)
- Bridge rehabilitation/replacement for bridges with low bridge condition scores

## Roadway Expansion

- Widening SR 154/Cascade Palmetto Hwy. from SR 92/Campbellton Fairburn Rd. to US 29/Roosevelt Hwy. (from 2 to 4 lanes)\*
- Widening SR 166/Campbellton Rd. from SR 70/Fulton Industrial Blvd. to Reynolds Rd. (from 2 to 4 lanes)
- Widening Butner Rd. from Stonewall Tell Rd. to SR 6/Camp Creek Pkwy. (from 2 to 4 lanes)
- Widening US 29 from South Fulton Pkwy. to Washington Rd. (from 2 to 4 lanes)\*

# Where some key projects in the City of South Fulton?

## Transit Expansion

- BRT on US 29/Roosevelt Hwy.\*
- Mobility district for on-demand transit service\*
- High capacity/rapid transit on Camp Creek Pkwy. from College Park MARTA station to Fulton Industrial Blvd.\*
- High capacity transit on South Fulton Pkwy. from SR 92 to Campbellton-Redwine Rd.\*
  - This is an extension of the programmed transit project from the College Park MARTA station to SR 92

## Transit Asset Management & System Upgrades

- Bus stop amenity improvements, including new bus shelters, benches, and trash receptacles
- Regional contract for bus stop maintenance\*
- Improvements to the Southside Park and Ride (resurfacing, shelter, lighting, safety, etc.)

# Where some key projects in the City of South Fulton?

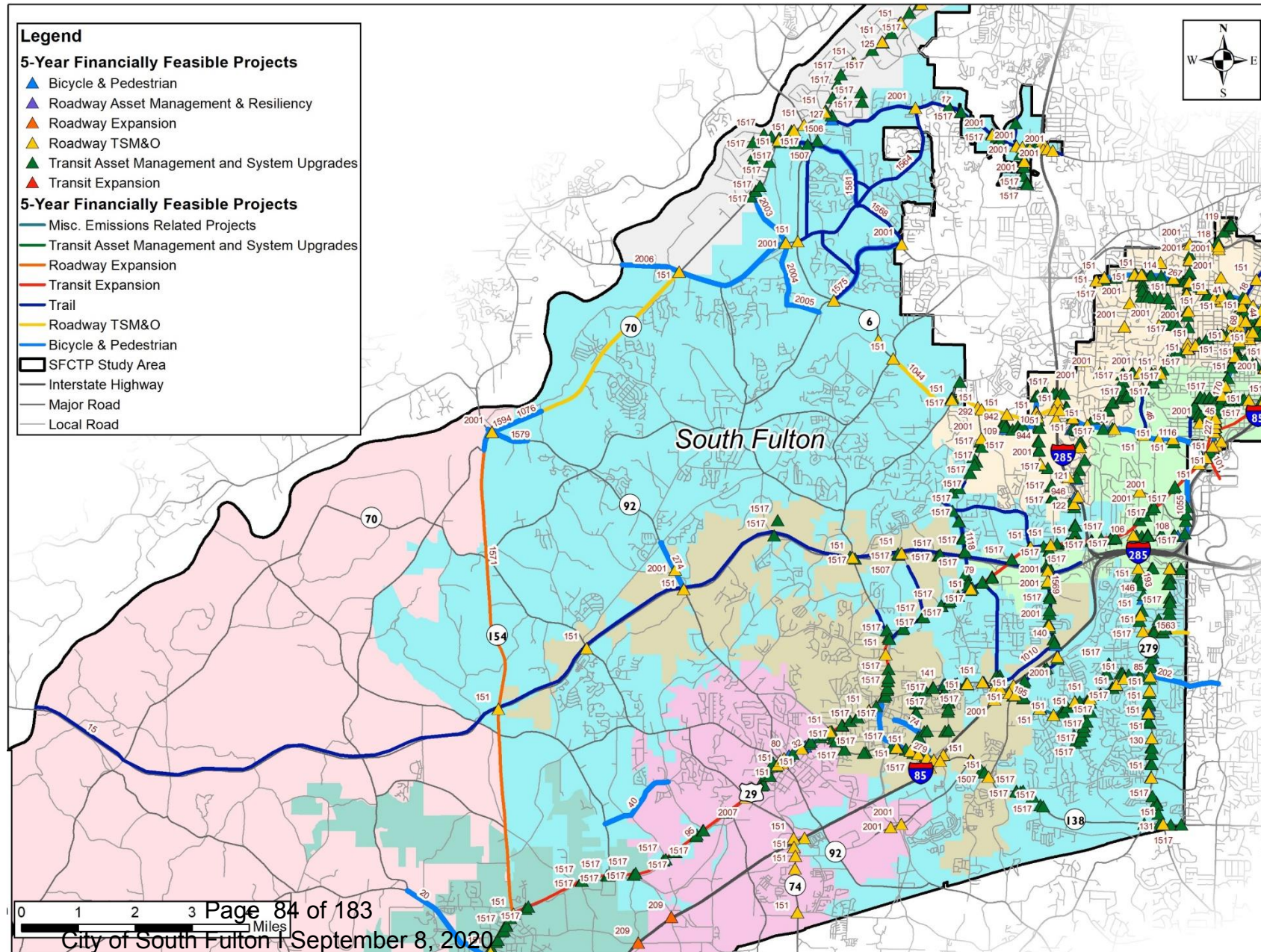
## Roadway Transportation System Management & Operations

- Intersection Improvement at SR 92/Campbellton Fairburn Rd. @ South Fulton Pkwy.\*
- Connected Vehicles (CV) Deployment Phase 1 - traffic signal communication upgrades on all SFCTP smart corridors, providing capability for Emergency Vehicle Pre-emption (EVP), Transit Signal Priority (TSP), and Freight Signal Priority (FSP).\*
- CV Deployment Phase 2 – On-Board Units (OBUs) for fire vehicles for EVP\*

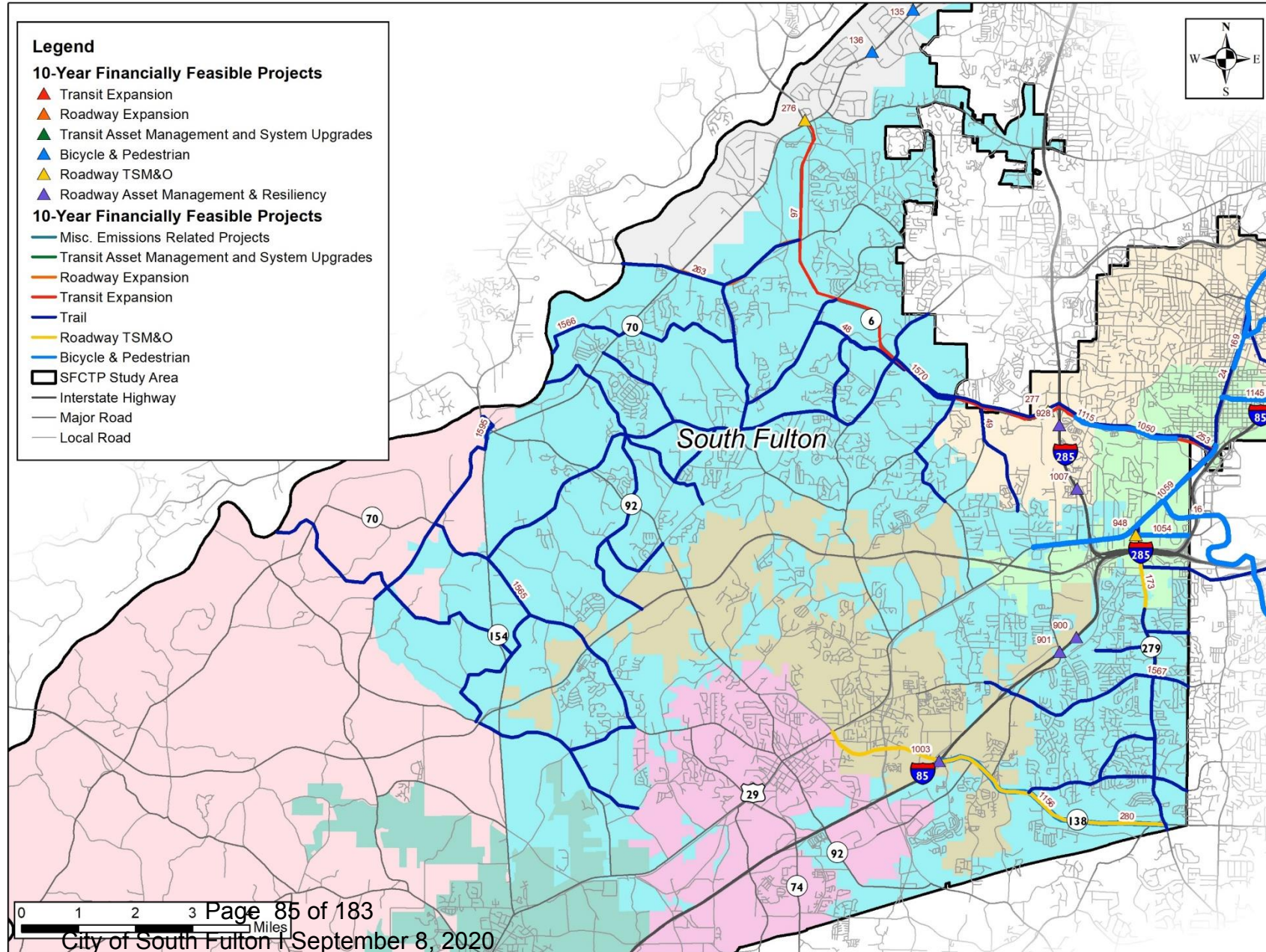
## Other (Plans, Studies & Policies)

- Pedestrian and Bicycle Masterplan for the City of South Fulton
- Study for new roadway facility parallel to the north of Camp Creek Pkwy. from approximately SR 70/Fulton Industrial Blvd. to Butner Rd.
- US 29 corridor study from City of Atlanta to Coweta County limits\*
- Policy: Plan and design multi-use trails and/or sidewalks during the development or renovation of any Fulton County facility

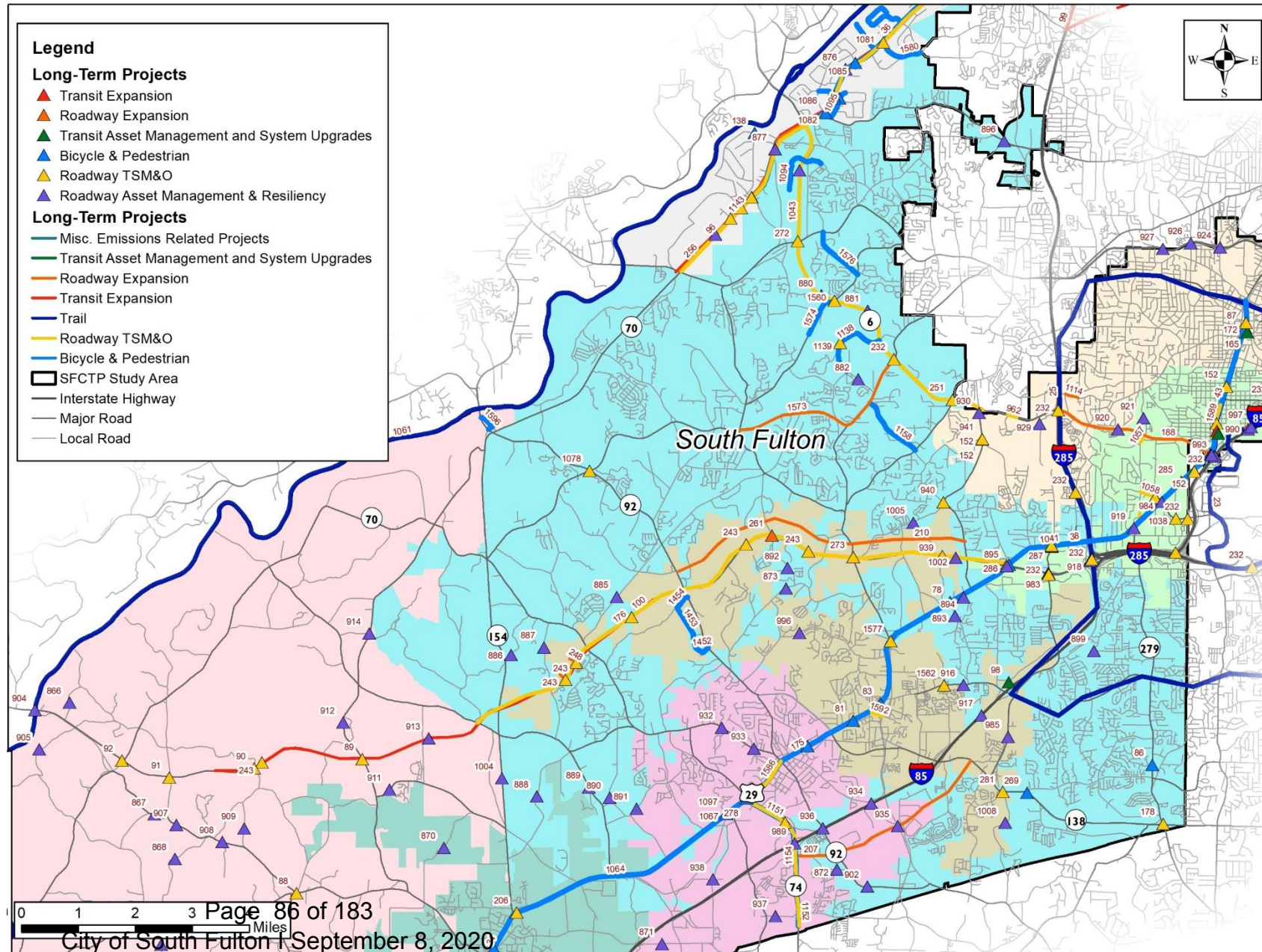
# Where are the new Short-Term (5-Year) projects in the City of South Fulton?



# Where are the new Mid-Term (10-Year) projects in the City of South Fulton?



# Where are the new Long-Term (>10 Years) projects in the City of South Fulton?

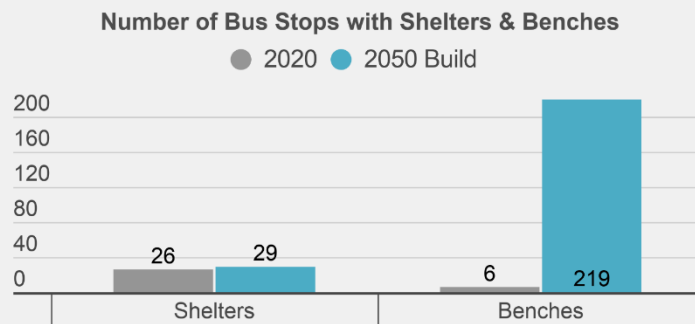
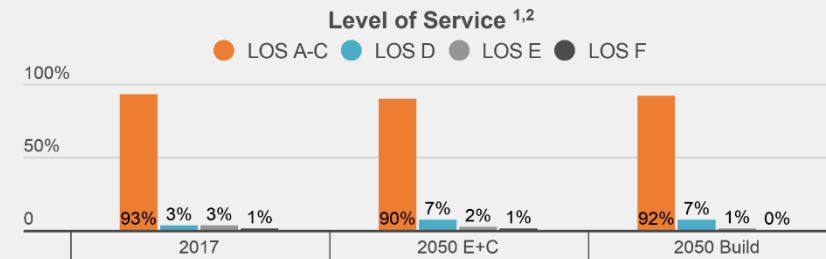
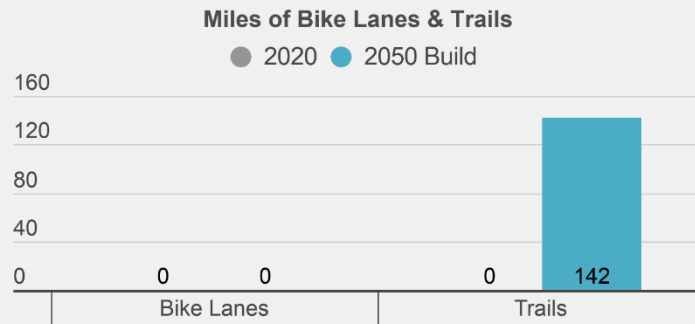
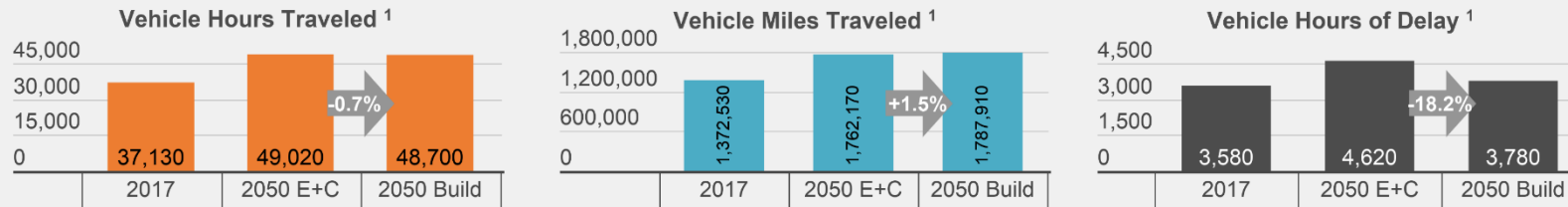


# What are the benefits of implementing these projects?

## System Performance Dashboard: City of South Fulton



This dashboard compares the Base Year, 2050 Existing + Committed (E+C), and 2050 Build scenario for the Southern Fulton Comprehensive Transportation Plan (SFCTP). The Base Year is 2017 for data from the ARC Travel Demand Model, including Vehicle Hours Traveled (VHT), Vehicle Miles Traveled (VMT), Vehicle Hours of Delay (VHD), and Level of Service (LOS). 2020 Base Year data is used for bike lane and trail miles and bus stop metrics. Base Year bike lane and trail mileage data is from the ARC Metro Atlanta Bicycle Facility Inventory 2014 (updated 2020) and Google Earth, while Base Year bus stop data is from MARTA. The 2050 E+C includes projects programmed in the ARC RTP through 2050. The 2050 Build scenario includes the 2050 E+C plus all SFCTP projects. All statistics are for the City of South Fulton within the SFCTP study area.

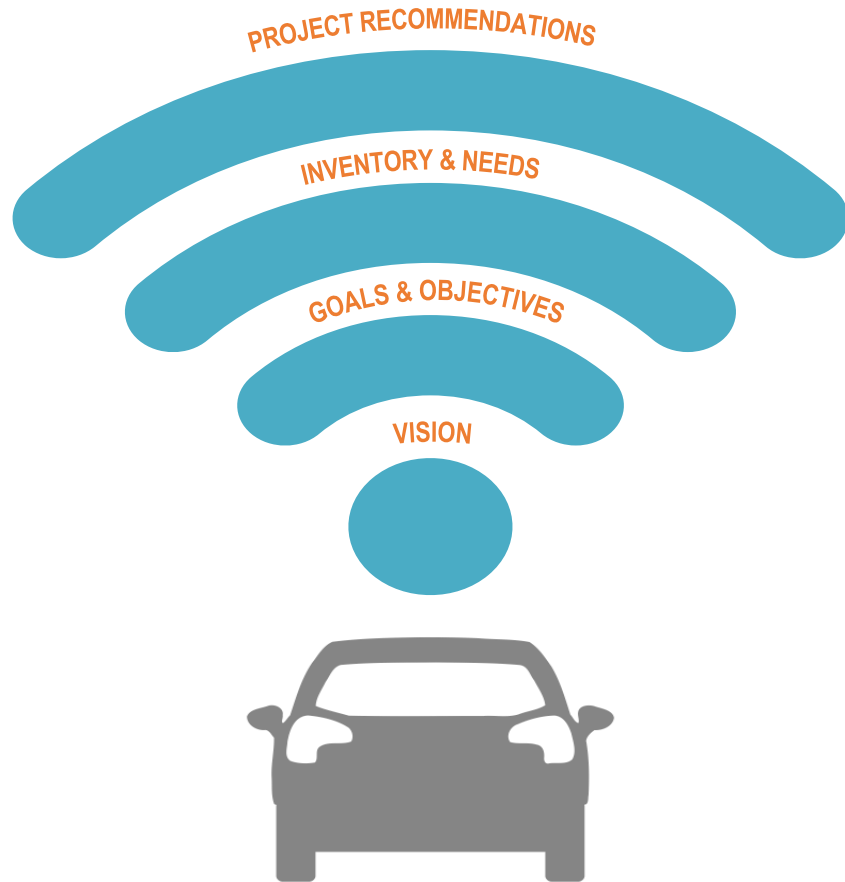


**Multi-Jurisdictional Projects: 48**  
Projects that cross jurisdictional boundaries have high economic and regional benefits.

**Projects in High SVI Areas: 31**  
Projects in areas that are high on the CDC's Social Vulnerability Index (SVI) are expected to improve accessibility and mobility in those areas.

**Projects in High Isolation Areas (Transit): 21**  
**Projects in High Isolation Areas (Auto): 46**  
The ARC's Isolation Index measures access to hospitals, K-12 schools, commercial centers, and fire stations by automobile and transit. Projects in areas that are high on the Isolation Index are expected to improve accessibility and mobility in those areas, thereby improving resiliency.

# How was COVID-19, emerging technologies, and other disrupters accounted for?



## PROJECT RECOMMENDATIONS

- ✓ Identified smart corridor network
- ✓ Project cost estimates include fiber (line itemed) for widening and new construction
- ✓ Installation of communications at traffic signals
- ✓ Signal preemption for emergency vehicles and signal priority for buses and/or trucks on designated corridors
- ✓ Flashing beacons for mid-block pedestrian crossings
- ✓ Bike signals
- ✓ Electric Vehicle (EV) charging locations
- ✓ Reduced funding scenario to reflect disruptors that may impact motor fuel tax revenues such as pandemics, connected and autonomous vehicles, and EVs.

## INVENTORY & NEEDS

- ✓ Communications equipment (cellular, Dedicated Short-Range Communications (DSRC), and/or fiber)
- ✓ Smart corridor network

## GOALS & OBJECTIVES

- ✓ CVs reflected in Goal #2: Provide a connected and reliable transportation system that operates efficiently supports future growth.
- ✓ CVs reflected in Objective within Goal #2: Promote innovative approaches for reducing congestion and promoting travel time reliability across multiple modes.

## VISION

- ✓ CVs reflected in “connected” transportation infrastructure to support mobility options and economic growth.



# What's Next?

Plan Adoption by City Councils

# What's Next?

- Presentations are being made to all 8 City Councils (Work Sessions)
- Plan to be adopted today or at next City Council Regular Meeting
- Plan adoption considerations:
  - The final SFCTP **must be adopted by at least 5 of the 8 cities** in order to be considered an adopted plan by ARC
  - To apply for **federal funding** as part of the ARC's Regional Transportation Plan (**RTP**) and/or Transportation Improvement Program (**TIP**) project solicitation process, **projects must be included in the SFCTP adopted plan**
  - If a project arises after the SFCTP is adopted in 2020, the **SFCTP can be amended** by the Cities to reflect new projects

# Where Can I Find More Information?



[www.southernfultonctp.org](http://www.southernfultonctp.org)



Questions?



**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on Cascade Road Bridge

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

---

**ATTACHMENTS:**

Description	Type	Upload Date
Memo_Cascade Rd Bridge Reopening/Repair	Cover Memo	9/2/2020

**GOVERNMENT OF THE CITY OF SOUTH FULTON**

**Office of the City Manager**

**WILLIAM “BILL” EDWARDS**  
MAYOR



**ODIE DONALD II**  
CITY MANAGER

**MEMORANDUM**

**TO:** Honorable Mayor William “Bill” Edwards & City Council Members

**FROM:** Odie Donald II   
City Manager

**DATE:** August 27, 2020

**SUBJECT: Cascade Road over Branch of Utoy Creek Culvert Replacement**

---

I am pleased to announce that the City has officially issued a Notice to Proceed (NTP) to AM Construction on August 17, 2020 to commence work replacing the bridge at Cascade road over Branch of Utoy Creek.

Scope

The Project consists of the following major elements: The culvert will be lengthened to accommodate a wider urban shoulder with 6-ft. sidewalks on each side and will consist of a Conspan O-series Culvert, 31’-0” x 10’-2 1/4” with a length of 88-ft., headwalls, wingwalls, and a precast express foundation. This type of structure requires less concrete. It is the ideal blend of hydraulic efficiency and structural capacity as well as quicker construction.

All required utility relocations will be handled directly by each utility owner and coordinated by AM Construction. Please note that the projected construction schedule is contingent upon weather conditions and utility relocations completed by the utility owners.

- Project Management handled by J.T. Ruban, One Atlas
- Construction Inspections handled by Lee Upkins, Jacobs

A construction schedule of records is summarized below.

<b>Task Name</b>	<b>Start</b>	<b>Finish</b>
pre-con	Mon 8/17/20	Mon 8/17/20
Utility Relocation	Tue 8/18/20	Mon 9/28/20
NTP	Tue 9/29/20	Tue 9/29/20
Clearing	Wed 9/30/20	Thu 10/8/20
Erosion control	Fri 10/2/20	Fri 10/2/20
Culvert DEMO	Fri 10/23/20	Mon 11/2/20
Grade shoulders	Tue 11/3/20	Mon 11/9/20
Culvert install	Fri 12/25/20	Thu 12/31/20

Curb & Sidewalk over culvert	Thu 1/21/21	Wed 1/27/21
Demo pavement	Fri 1/1/21	Mon 1/4/21
Paving	Tue 1/12/21	Tue 1/12/21
Guard rail	Wed 1/13/21	Thu 1/14/21
Signs and Marking	Fri 1/15/21	Mon 1/25/21
Punch list	Fri 1/15/21	Mon 1/25/21

Should you need further information regarding this correspondence, please contact Antonio Valenzuela at [antonio.valenzuela@cityofsouthfultonga.gov](mailto:antonio.valenzuela@cityofsouthfultonga.gov).



**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on Canaan Ridge at Wolf Creek

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

---

**ATTACHMENTS:**

Description	Type	Upload Date
Canaan Ridge Road Closure	Cover Memo	9/2/2020



# GOVERNMENT OF THE CITY OF SOUTH FULTON

## Office of the City Manager


WILLIAM “BILL” EDWARDS  
MAYOR



ODIE DONALD II  
CITY MANAGER

### MEMORANDUM

**TO:** Honorable Mayor William “Bill” Edwards & City Council Members

**FROM:** Odie Donald II   
City Manager

**DATE:** September 1, 2020

**SUBJECT:** **Canaan Ridge at Wolf Creek Subdivision – Double Cul-de-sac Jacanar Lane**

---

#### Background

In the summer of 2019, the Public Works Department received a traffic calming request from the Canaan Ridge at Wolf Creek subdivision to address speed and traffic volume in their neighborhood.

On July 11, in response to the request, the Traffic Operations division collected data on Jacanar Lane and Bunting Lane. Results showed that traffic calming measures were warranted due to both speed and volume. To comply with the City’s Traffic Calming Ordinance 2019-019, the Department requested that the subdivision submit a petition authorizing the Public Works Department to begin a traffic calming design.

In December, the Public Works Department received a subsequent petition from the HOA President to double cul-de-sac Jacanar Lane; thus, closing access to the adjoining subdivision, Summit at Stonewall Tell. This new request fell under the Road Closure Resolution (No. 2019-054). To comply with the Resolution, the Department had to comply with the following:

1. In section 2.1, subsection IV of the Resolution, the department is to verify unanimous support for the road closure. The department confirmed, through signed petitions, that 100% of the homeowners in the Canaan Ridge at Wolf Creek neighborhood were in favor of the cul-de-sac.
2. In section 2.1, subsection VI of the Resolution, “consult with emergency service providers, Fulton County Board of Education, and the Postmaster before approval of any road closure, so that said services will be accommodated and not impaired to render their required performances.”
  - o Fire Department  
In a memo to the department, the Fire Marshall did not fully support closing the road. Alternatively, the Fire Chief indicated that the cul-de-sacs are required to be 96’ with a Public Safety Emergency Access Gate.

- Board of Education  
The school board informed the department that the road closure would not impact access in the neighborhoods.
  - Board of Education/Postmaster  
The postmaster indicated that the road closure would adversely impact their current line of travel and all the carriers within 30331 delivery.
3. Section 2.1, Subsection VII of the Resolution, reads “The department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Public Works will advertise any public hearing(s) through the use of on-site informational signage as well as by press release prior to the hearing(s). Following the public hearing, Mayor and Council will take action on the petition.”

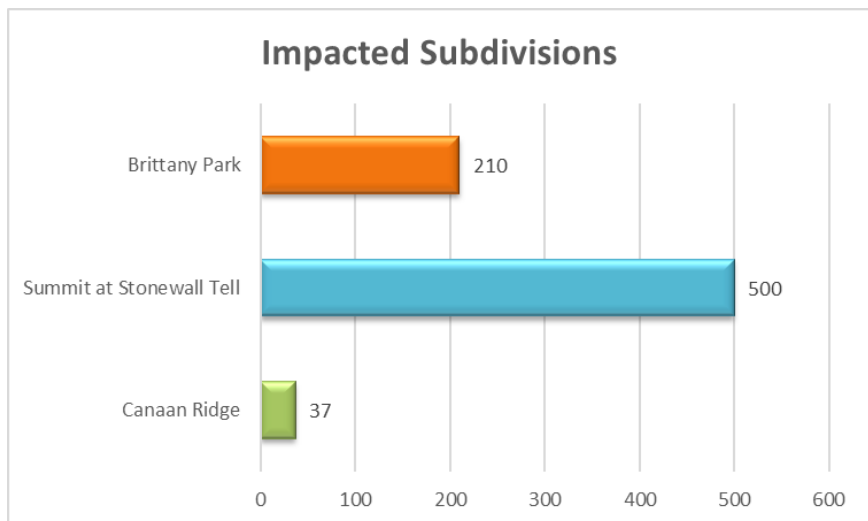
On Thursday August 6, the Department held the Virtual Information Hearing (VIH). One hundred and eighty-one (181) individuals registered to attend the meeting and provided the requested survey. After further verifications of each vote, this number was reduced from 181 votes to 160, due to duplications and incomplete addresses. Below are the results from the Votes:

<b>RESULTS FROM 160 VALID VOTES</b>		
Subdivision Name	<b>YES (In favor of Road Closure)</b>	<b>No (Not in Favor of Road Closure)</b>
	Number of Votes	Number of Votes
Canaan Ridge	28	1
Summit at Stonewall Tell	3	121
Others	5	2 (1 voted other)

**Impacts to Surrounding Subdivisions**

Section 2.1, Implementation Considerations, sub-section IV of the Resolution reads “For the implementation of a road closure, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood, as defined by City of South Fulton Traffic Engineer and along the affected roadway affirm their support for the closure.”

Surrounding neighborhoods that will be impacted by the closure include the subdivision of Summit at Stonewall Tell



with a total home count of nearly five hundred (500) homes and Brittany Park with a total of two hundred and ten (210) homes. Canaan Ridge currently has thirty-seven (37) homes.

### **Subdivision Accessibility**

The request to close Jacanar Lane will limit the number of entry and exit roads to the subdivision as follows:

<b>Subdivision Accessibility</b>		
Subdivision Name	Number of Current Entries/Exits Prior to Closure	Number of Entry(ies)/Exit(s) Post to Closure
Canaan Ridge	2	1
Summit at Stonewall Tell	3	2
Brittany Park	2	1

### **Public Engagement**

As required by Section 2.1, Implementation Considerations, sub-section VII of the Resolution, the Department posted informational street signs of the Virtual Information Hearing at entrances/exits of Canaan Ridge and Summit and Stonewall Tell and on roads leading to the two subdivisions. The Department also posted meeting information on the City of South Fulton Website and Social Media outlets.

Our Public Works team also provided additional engagement methods that are not required by the ordinance, which included assistance from the Fire Department to hand deliver flyers to as many residents in the Canaan Ridge and Summit at Stonewall Tell Subdivisions. Equally important, residents were encouraged to complete a brief online survey to share their comments and cast a vote.

### **Fiscal Impact**

There is no fiscal impact to the City.

### **Request**

Section 2.1, Implementation Considerations, sub-section VII of the Resolution adheres to the guidelines performed by the Public Works Department. Public Works advertised and held a public hearing. The Public Works Department request Mayor and Council to take action on the petition on the road closure of Jacanar Lane requested from Canaan Ridge.

Should you need further information regarding this correspondence, please contact Antonio Valenzuela at [antonio.valenzuela@cityofsouthfultonga.gov](mailto:antonio.valenzuela@cityofsouthfultonga.gov).



**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on Increase Transfer of Leave

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

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**ATTACHMENTS:**

Description	Type	Upload Date
Memo_Increase Transfer of Leave Hours	Cover Memo	9/2/2020
HR Policy Revisions	Cover Memo	9/2/2020

# GOVERNMENT OF THE CITY OF SOUTH FULTON

## Office of the City Manager

WILLIAM "BILL" EDWARDS  
MAYOR



ODIE DONALD II  
CITY MANAGER

## MEMORANDUM

**TO:** Honorable Mayor William "Bill" Edwards & City Council Members

**FROM:** Odie Donald II   
City Manager

**DATE:** September 1, 2020

**SUBJECT:** Increase Transfer of Leave Hours Between Employees

The HR Department was tasked with providing a recommendation for best practices in review of Fire Rescue Departmental Standard Operating Procedure (SOP) Number 2002 Work Schedules and Leaves, Section 5.4 Special Exception Donation.

Section 5.4 allows Fire Rescue personnel to volunteer work shifts and donate the time worked to another employee (recipient) who is out on a city approved leave due to a critical illness or injury of their own. The intent of volunteering a work shift is to supplement the recipient's loss of income if or when the employee reaches a leave without pay status during his/her approved absence.

### Regulations

The U.S. Department of Labor, Wage and Hour Division offers the following insight on shift substitutions:

- 29 USC §207 (p) (3) If an individual who is employed in any capacity by a public agency which is a State, political subdivision of a State, or an interstate governmental agency, agrees, with the approval of the public agency and solely at the option of such individual, to substitute during scheduled work hours for another individual who is employed by such agency in the same capacity, the hours such employee worked as a substitute shall be excluded by the public agency in the calculation of the hours for which the employee is entitled to overtime compensation under this section.
- 29 CFR §553.31 Section 7(p)(3) of the FLSA provides that two individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours in performance of work in the same capacity. The hours worked shall be excluded by the employer in the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation under the Act. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift.

## Considerations

While the Wage and Hour Division of the Department of Labor allow shift substitutions, Section 5.4 of the departmental SOP does not correlate with the regulation as the employees would be volunteering shift hours and not “swapping” schedules, as guided by the provisions.

We have identified a few considerations associated with Section 5.4 of the departmental SOP, as drafted:

- The department’s ability to manage staffing levels while contending with staffing shortages due to quarantined personnel;
- Consistency in volunteers signing up to work the substitution which impacts the recipient’s pay status if volunteers do not sign up or work; and
- Safety, health and well-being of employees scheduled for their regular shift assignment, mandatory overtime hours and the volunteer shift substitution \*presents increased exposure during the COVID-19 pandemic

## HR Findings and Recommendations

HR surveyed other government agencies and received six responses. None of the responding agencies participate in shift substitutions where employee A works and employee B is compensated, as drafted in Section 5.4 of the departmental SOP.

The City’s HR Policy Time Away from Work 325-18, IV. Transfer of Leave Between Employees limits transfer of hours (leave donations) to a maximum of six weeks, per calendar year. Upon reviewing the practices and policies of other departments and to further extend the City’s commitment to quality employee benefits and incentives, HR recommends approval by Mayor and Council to remove the maximum transfer of hours a recipient may receive. Removing the limit will allow employees to donate additional leave and potentially keep the receiving employee from entering a leave without pay status, which results in a loss of income, if leave donations are received on his or her behalf.

For additional insight on current City practices with managing leave, employees are approved for twelve weeks of medical leave under FMLA provisions and may be granted an extended leave, depending on their medical situation. Employees are eligible for long term disability options after 180 days of consecutive absences due to their own serious health condition. The City has not approved medical leave extensions greater than 180 days.

Revising the policy will eliminate the need for shift substitutions as drafted in Section 5.4 of the departmental SOP. Removing the limit of maximum hours a recipient may receive will allow greater flexibility for employees to support their colleagues and encourage our valued employees to focus on their recovery.

HR Policy: Time Away from Work 325-18, IV. Transfer of Leave Between Employees  
(Original)

### IV. Transfer of Leave Between Employees

- 1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work for the employee’s own personal health reasons.
- 2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient’s sick leave balance. Transferred leave must be in whole hours only.

- 3) Transfer of hours is **limited to six weeks per calendar year**. All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.
- 4) The donor employee must retain a minimum vacation leave balance of two weeks
- 5) Transfer of hours is final and cannot be reversed
- 6) A copy of a completed transfer form must be submitted to each employee's Department Head for payroll purposes
- 7) An employee using transferred leave will not accrue any leave

(Revised)

#### **IV. Transfer of Leave Between Employees**

- 1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work for the employee's own personal health reasons.
- 2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.
- 3) Transfer of hours is **unlimited**. All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.
- 4) The donor employee must retain a minimum vacation leave balance of two weeks
- 5) Transfer of hours is final and cannot be reversed
- 6) A copy of a completed transfer form must be submitted to each employee's Department Head for payroll purposes
- 7) An employee using transferred leave will not accrue any leave

#### **Additional Financial Impact Considerations**

- The receiving employee's salary is already budgeted for the fiscal year
- The donating employee's compensable leave balance will be reduced by the hours s/he donates, resulting in decreased financial accruals for the City
- Allowing an unlimited transfer of leave hours may reduce the City's financial obligation when paying compensable leave categories at separation of employment
  - The leave donated by the employee is donated from a compensable leave category (comp/holiday/vacation) into the non-compensable sick leave category of the receiving employee.
  - Regardless of the available balance, sick leave is a non-compensable leave category upon separating employment.
  - Transfer of hours is final and cannot be reversed which means if an employee receives more leave donations than what is needed and separates employment, the hours donated are forfeited.

#### **Recommendation**

Extend the City's commitment to offering quality employee benefits and incentives. Request Council approval to revise the maximum transfer of hours a recipient may receive to allow employees to donate unlimited leave.

Should you need further information regarding this correspondence, please contact Anquilla Henderson at [anquilla.henderson@cityofsouthfultonga.gov](mailto:anquilla.henderson@cityofsouthfultonga.gov).

TIME AWAY FROM WORK

I. Statement of the Policy

The City recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees.

Therefore, it shall be the policy of City to provide time off—both paid and unpaid—to eligible employees for the following purposes:

Holidays	Vacation	Sick	Emergency/ Bereavement
Injury	FMLA	Military	Official
Leave Without Pay	Court (Jury and Witness Duty)	Voting	Parental
	Volunteer Activity	Administrative	

II. Definitions

**Vacation Leave** is paid time off provided to eligible employees to rest or engage in recreational or other personal activities.

**Sick Leave** entitles an eligible employee to receive his or her regular rate of pay during absences related to or resulting from the employee's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties or the employee's receipt of medical or dental care or consultation.

**Military Leave** is an authorized absence from work that may be taken when an employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or



agency of the government of the United States having authority to issue lawful orders requiring military service.

**Emergency Leave / Bereavement Leave** is an authorized absence from work due to a life-threatening illness or death in an employee's immediate family.

**Injury Leave** is an authorized absence from work resulting from an employment related injury that has been designated a catastrophic injury pursuant to State Worker's Compensation Law.

**Family and Medical Leave** is an authorized absence from work provided to eligible employees for specified family and medical reasons in accordance with Federal law.

**Official Leave** is paid time off provided to employees for the purpose of transacting official City business including attendance at meetings or brief courses of instruction and professional development related to the employee's assigned duties and deemed to be in the best interest of City.

**Leave Without Pay** is an approved unpaid absence from work.

**Court Leave** is paid time off provided to employees who are called for jury duty or who are subpoenaed to appear, attend, testify or otherwise participate in any court, administrative or other legal proceedings as a witness except when an employee is a party in a personal lawsuit or other legal proceeding.

**Voting Leave** is paid time off provided to employees to vote in state, national, and local elections.

**Parental Leave** is paid time off provided to eligible employees who become parents through birth, adoption or foster care placement.

**Volunteer Activity Leave** is paid time off from work provided to employees to participate in school or community volunteer activities.

**Administrative Leave** is an authorized absence from duty without loss of pay or charge to accrued leave.

### **III. Categories of Leave**

#### **A. Holidays**

##### **(1) Holiday Pay**

Regular appointed employees whose normal scheduled work day falls on a City holiday, but who are not required to work on a holiday, will receive eight hours (or shift equivalent) of regular pay.

When an employee's officially scheduled "off day" falls on a City holiday, the employee will be granted eight (8) hours (or shift equivalent) of straight time banked as

holiday leave, accrued during the pay period in which the holiday occurs, unless otherwise stated in this policy.

Holiday accrual will be accumulated to a maximum of 15 holidays. Holiday hours beyond the maximum allowed shall be forfeited. Employees are encouraged to utilize holiday time, as earned to avoid reaching the maximum accrual.

An employee that is normally scheduled to work on a City holiday and requests to take the time off will be considered to have observed the holiday and will not accrue holiday time.

To be eligible for holiday pay, an employee must have been in a pay status on the employee’s regularly scheduled work days immediately before and immediately after the holiday. “Pay status” is defined as either working on the regularly scheduled work day or being on approved paid leave.

**(2) Compensation for employees required to work holidays**

Nothing in this policy prohibits any Department Head from requiring the services of any number of employees in their respective departments to work on any given holiday when needed for City operations. Employees who work on a City holiday will receive their regular rate of pay for all hours worked. In addition, any employee who works on a City holiday will receive holiday leave time banked as “holiday earned” at a rate of 1.0 for each hour actually worked on the holiday.

**(3) Employees on Leave of Absence**

Employees who are on a continuous unpaid leave of absence are not eligible to receive holiday pay.

**B. Vacation**

**(1) Eligibility and Accrual**

Earned vacation leave may be authorized for all regular appointed employees. Eligible employees earn and accrue vacation leave based upon active creditable service, at the rates specified below. Vacation leave does not accrue during unpaid leaves of absence or other periods of inactive service.

The City encourages a work-life balance; therefore, vacation leave may be accumulated to a maximum number of hours. Vacation hours earned beyond the maximum allowed shall be forfeited. Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their vacation accrual prorated accordingly, based upon the actual number of hours to be paid during that payperiod.

**Vacation Accrual Rates**

<b>Years of Active Creditable Service</b>	<b>80 Hour Employee</b>	<b>84 Hour Employee</b>	<b>106 Hour Employee</b>
<b>Hire - 3 years</b>	4.37 hours per pay period	4.54 hours per pay period	6.55 hours per pay period

<b>3 – 8 years</b>	5.33 hours per pay period	5.53 hours per pay period	8.18 hours per pay period
<b>8 years and over</b>	6.28 hours per pay period	6.52 hours per pay period	9.42 hours per pay period
<b>Maximum Accrual</b>	240 hours (six weeks)	252 hours (six weeks)	318 hours (six weeks)

**(2) Taking Vacation**

Earned vacation leave may be taken upon approval by an employee’s Department Head or designated supervisor and may be used for rest, relaxation, or engagement in recreational activities and/or other personal interests, including educational pursuits or to run for Public Office. Employees may take vacation in one-hour increments.

Vacation time off will be granted at the convenience of the employee, whenever possible; provided, however, that primary consideration must be given to the maintenance of adequate staff to perform required services at all times. Employees should direct all requests for use of vacation time to their immediate supervisor.

Any vacation time requested by an employee and approved by the Department Head will be charged against accrued compensatory leave balances, if available, before any accrued vacation leave balances are charged.

Department Heads have the discretion to adopt supplemental procedures regarding the scheduling of Vacation Leave to address issues that are not included in this procedure, including prohibiting employees from using earned vacation leave until they have worked some minimum amount of time in a regular appointed position.

**(3) Vacation Pay**

Employees will receive pay for earned vacation at their regular rate of pay at the time the vacation is taken. Time taken as vacation is not counted for the purpose of calculating an employee’s overtime hours of work or overtime premiums during a particular work period.

Unused vacation benefits will be paid upon termination of employment up to the maximum set forth in this policy. Such vacation benefits will be paid at the employee’s regular rate of pay at the time of termination of employment. For employees on FMLA, vacation leave will run concurrently with FMLA leave consistent with the applicable rules of this policy and the FMLA policy.

**C. Sick Leave**

**(1) Eligibility and Accrual**

Earned sick leave may be authorized for all regular appointed employees including Department Head, except those who may be specifically exempt. Eligible employees earn and accrue sick leave at the rates specified below. Sick hours earned beyond the maximum allowed shall be forfeited. Sick leave does not accrue during unpaid leaves of absence or other periods of inactive service.

Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their sick leave accrual prorated, based upon the actual number of hours to be paid during that pay period.

## **Sick Leave Accrual Rates**

	<b>80 Hour Employee</b>	<b>84 Hour Employee</b>	<b>106 Hour Employee</b>
	3.42 hours per pay period	3.55 hours per pay period	5.33 hours per pay period
<b>Maximum Accrual</b>	480 hours (12 weeks)	504 hours (12 weeks)	636 hours (12 weeks)

### **(2) Taking Sick Leave**

Upon approval, an employee may utilize sick leave because of personal illness, convalescence, non-occupational injury, exposure to contagious disease that might endanger the health of others, dental or vision treatment, preventive medical care, and for personal emergencies justifying emergency leave (as defined in Section D). The City will not tolerate abuse or misuse of sick-leave. Additionally, employees are prohibited from engaging in outside employment while they are on sick leave.

Employees should direct requests for known sick leave in advance (such as a request for time off to attend a medical appointment) to their immediate supervisor. An employee who is unable to report to work because of an injury or illness must notify his or her supervisor prior to the scheduled starting time, or as soon as practical, consistent with the Attendance and Punctuality Policy. Employees should refer to the call-in requirements set forth in the City's Attendance and Punctuality Policy and any supplemental time and attendance procedures developed by their department.

For non-FMLA absences of any duration due to illness or injury not connected with employment, a Department Head may request an employee present a physician's note justifying the employee's absence from work. Failure to present a physician's note or medical excuse when requested may be grounds for discipline including termination.

The City reserves the right to require that an employee present a return to work release from an employee's health care provider at the time the employee returns to work except in cases of an employee's return from intermittent FMLA leave. Sick leave of any duration which begins after submission of a resignation or after notification of termination may be charged against accrued vacation leave, holiday leave, or in the absence thereof, to leave without pay (LWOP). Sick leave shall not be taken after the last day on duty when an employee is being separated, except for employees who are retiring for disability reasons. In addition, this prohibition does not apply the pay out of accrued sick leave to an employee's estate upon the employee's death.

Employees with potentially FMLA-qualifying conditions or situations should review the Family and Medical Leave Act Policy and apply for leave, if applicable.

### **(3) Sick Leave Pay**

Eligible employees will receive pay for accrued sick leave at their regular rate of pay at the time the sick leave is utilized. Time taken as sick leave is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work week.

Sick leave may be accumulated to a maximum number of hours. Sick hours earned

beyond the maximum allowed shall be forfeited. Employees are not compensated for unused sick leave at the end of employment with the City or at any other time. For employees on FMLA leave, sick leave will run concurrently with FMLA leave consistent with the applicable rules of this policy, the FMLA policy and applicable law. Misuse of sick leave will be addressed as a disciplinary issue consistent with the City's Attendance and Punctuality Policy, and may be investigated in accordance with the City's Sick Leave Abuse Prevention & Investigation Procedures.

**D. Emergency/Bereavement Leave**

**(1) Eligibility**

Employees who are entitled to sick leave may be granted emergency leave not to exceed 15 days:

- 120 hours per calendar year for 80-hour employees
- 126 hours for 84-hour employees
- 180 hours for 106-hour employees

The emergency leave is chargeable against sick leave and vacation leave, in that order, in cases of bona fide emergencies or bereavement resulting from any of the following reasons, conditions and circumstances:

(a) Serious illness or death of a member of the employee's immediate family, whether or not such member is physically residing in the employee's household or elsewhere. Such illness shall require the employee's personal care and attendance as determined by the circumstances in each case. For purposes of this policy, immediate family members are defined as follows:

- Spouse (including same sex spouses and common law spouses)
- Child (natural or adopted), step-child, grandchild, great-grandchild
- Brother, sister, half-brother, half-sister, step-brother, step-sister
- Parent, Grandparent, Great-grandparent, Step-parent
- Brother or sister of your mother or father (uncle, aunt)
- Son or daughter of your brother or sister (nephew, niece)
- Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law
- Foster Child
- Legal Ward

(b) Accompanying an elderly relative to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or group homes.

(c) Employees are also entitled to emergency leave under this policy for enforced medical quarantine of the employee in accordance with community health laws or regulations.

(d) If an employee has no accrued leave, emergency leave may be granted in the form of leave without pay.

(e) An employee is entitled to take up to three (3) days of official leave with pay to make arrangements for or to attend the funeral of an immediate family member, as defined herein, who dies as the result of wounds, disease of injury incurred while serving in a combat zone as a member of the Armed Forces. Proof of death must be furnished within seven calendar days of the employee's return to work following use of such leave. Failure to provide proof will result in a reversal of leave days granted and non-payment for any related days of missed work. Disciplinary action may be taken if it is discovered that an employee has fraudulently requested leave under this paragraph.

## **(2) Taking Emergency/Bereavement Leave**

In the event of an immediate family member's death, an employee may utilize emergency leave to make funeral arrangements, settle family affairs, attend the funeral or memorial service, and for bereavement. The amount of bereavement leave granted is at the discretion of the Department Head based upon the employee's individual circumstances and the needs of the department.

Employees who are required to care for a parent, spouse or child with a serious health condition should review the City's Family and Medical Leave Act Policy and apply for FMLA leave, if applicable. If an employee is approved for FMLA leave, emergency leave will run concurrently with FMLA leave.

Verification may be required to substantiate periods of absence of any duration of emergency leave upon request of the Department Head concerned.

## **E. Injury Leave**

Injury leave may be granted to City employees only in cases where an employee's injury has been designated a catastrophic injury as defined by State Worker's Compensation Law. Injuries must arise out of, and in the course of, employment as defined by law.

Injury Leave may be granted only upon written recommendation of the Department Head, as reviewed by the Human Resources Director, Risk Manager, and approved by the City Manager. A physician's certificate must be furnished for all injury leave requests. The employee may elect to use either leave without pay (LWOP) or his or her available leave. After the first seven days, the employee shall receive Workers Compensation benefits only, which would total approximately two-thirds of his or her average weekly wage, not to exceed the maximum Workers Compensation indemnity benefits as governed by the State Board of Workers' Compensation.

## **F. Family and Medical Leave**

The City will grant family and medical leave in accordance with the requirements of the Family and Medical Leave Act of 1993, as set forth in City's Family and Medical Leave Act (FMLA) Policy.

## **G. Military Leave**

The City will grant military leave in accordance with the requirements of the

Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA” and Georgia law.

**(1) Military Leave under Federal Law - USERRA**

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA.” Employees’ rights under USERRA are summarized below.

**(a) Eligibility for Leave**

City employees serving in the “uniformed services” are covered by USERRA. The “uniformed services” are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service
- An employee is unable to obtain orders of release through no fault of his or her own
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements

An employee who is separated as a result of exceeding the five-year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal.

**(b) Notice of Leave**

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Department Head with as much advance notice as possible of any anticipated leave of absence for military service.

### **(c) Compensation and Benefits During Leave**

In compliance with Federal and State law, City employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year; however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

Accrued unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee's request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Department Head. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days.

An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he or she would have attained if no military leave had been taken.

### **(d) Reinstatement**

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his or her service on a basis that is not dishonorable or otherwise prohibited under USERRA, and must not have exceeded the five-year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled work day following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for re-employment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to re-apply within applicable time limits may result in loss of re-employment rights. Full details regarding reinstatement are available from the Human Resources Department. In general, an



employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, City will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of re-employment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or for
- One year after the date of re-employment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

## **(2) Military Leave under Georgia Law**

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled to a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if the City's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Regular appointed employees who must leave for up to six months in a four-year period to participate in assemblies or annual training, or to attend service schools conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position and they apply for re-employment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement. Employees should contact a Human Resources Department representative for more information about Military Leave.

## **H. Official Leave**

Upon approval by a Department Head, employees may be granted official leave with pay for the purpose of transacting official City business, to include attendance at meetings or brief courses of instruction directly related to their assigned duties and deemed to be in the best interest of the City. Official leave shall be granted independently of other categories of leave specified in this procedure and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

## **I. Leave of Absence Without Pay (LWOP)**

Unless otherwise permitted in the City Policies and Procedures, a leave of absence without pay for medical reasons must be requested and approved through the ADA accommodation process as set forth in City's Americans with Disabilities Act - Reasonable Accommodation Policy and Procedure.

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the Department Head through consultation with the HR Director or designee. Paid leave will not be accrued during leave without pay status.

Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact Human Resources to arrange for documentation and payment of premiums. The exceptions to these provisions are leave granted as Family Medical and Military Leave as specified in this manual.

#### **J. Court Leave (Jury and Witness Duty Leave)**

The City encourages employees to serve on jury or witness duty when called. Employees are entitled to court leave without loss of pay or time for all days during which he/she shall be subpoenaed by any court, Federal, State or political subdivision thereof, to serve as a juror or witness. Employees on court leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Court leave shall be granted independently of other categories of leave specified in this policy and will not accrue. Court leave will be counted as active, creditable service.

Employees are not entitled to leave under this procedure for legal proceedings in which the employee is a party to the litigation. Similarly, employees who are absent from work because of a court order or judicial process due to being charged with a crime are not entitled to leave.

Employees must notify their Department Head of the need for time off for jury or witness duty upon receipt of a subpoena, notice or summons from the court, and should provide their Department Head with a copy of such documentation.

Employees may be required to provide verification of jury duty or witness service from the court clerk. Any employee on jury or witness duty is expected to report or return to work for the remainder of the work schedule when dismissed from jury or witness duty.

Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave in accordance with this policy.

#### **K. Voting Leave**

The City encourages all employees to fulfill their civic responsibilities and to vote in official public elections. The City complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for non-exempt employees.

Paid leave for voting is available to employees when their work schedule does not

allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible to request paid leave for voting.

Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having actually voted may be required.

#### **L. Parental Leave**

Regular appointed employees who have been employed by the City for at least one (1) year are eligible for paid parental leave as set forth in the Paid Parental Leave Policy and Procedure.

#### **M. Volunteer Activity Leave**

Regular appointed employees shall be permitted to take up to two (2) days of paid leave per calendar year to participate in eligible volunteer activities. Such leave time shall not be chargeable to an employee's sick, vacation, compensatory or holiday leave accruals. Volunteer Activity Leave hours do not accrue and unused leave will not roll over to the next calendar year. Rather, eligible employees may use Volunteer Activity Leave for qualifying absences that occur during their regular scheduled work hours, up to a total of two (2) days in any calendar year. Volunteer Activity carries no cash value if unused, and employees will receive no payout of unused Volunteer Activity Leave upon separation from the City.

Eligible activities include, but are not limited to, the following school or community volunteer activities:

1. Voluntary service as part of an organized service project sponsored by a community, national or other service organization, e.g., Habitat for Humanity
2. Participation in community service programs that meet child, elder, or human needs. For example, delivering meals to the elderly or to needy community citizens through an organization such as Meals on Wheels
3. Attending non-profit boards and committee meetings, e.g., Boy Scouts/Girl Scouts, Big Brother/Big Sister, American Red Cross, 100 Black Men, etc.
4. Participation in activities directly related to non-profit fundraising, e.g., set up/take down, registration, answering phones, recruiting/organizing/training volunteers
5. Participation in activities directly related to student achievement and academic support of the employee's child, step-child, foster-child, or other child for whom the employee has legal custody. Covered activities range from nursery and pre-school programs through higher education and include, but are not limited to the following:
  - Attendance at Parent/Teacher conferences
  - Participation in classroom activities, such as reading to a class or presenting on career day; proctoring examinations, attendance at award and recognition ceremonies or graduation exercises;

participation in field day activities; chaperoning field trips; attendance at open house functions; and interviewing for a new school

Use of Volunteer Activity Leave for any political purpose or agenda is prohibited.

Volunteer Activity Leave is not intended and may not be used for the following activities:

1. Organizations whose primary purpose is to influence political campaigns on behalf of or against any candidate, political party, or political action committee
2. Participation in rallies, marches, or other events with a political agenda
3. Involvement in schools for attendance at social or sporting events
4. Faith-based religious gatherings
5. Participation in fraternal organizations, social clubs, labor organizations, or athletic/recreational clubs
6. Participation in a run, marathon, golf tournament, or other recreational activity, even if the goal is to raise funds for charitable goals and services
7. In place of annual or sick leave.

Solicitation for charities or organizations in the workplace will not be permitted in accordance with the City's No-Solicitation policy.

Employees must receive approval from their supervisors prior to using Volunteer Activity Leave. Supervisors may require written verification from an official of the service organization for use of Volunteer Activity Leave. If the leave is used for school-related activities, written verification should be from a school administrator or teacher.

Departments have discretion to approve or deny requests for leave based on operational needs, or other reasons, such as conduct, attendance, or unsatisfactory work performance. The Department Head should ensure that denials are applied consistently for all similarly situated employees.

Departments may determine that it is not possible to release certain employees under this policy and procedure, such as employees in direct care or public safety positions, due to staffing requirements. When adequate, capable back-up staff is readily available, or if it is possible to adjust employees' schedules, employees' requests should be granted. If they are unable to grant Volunteer Activity Leave requests, departments should inform affected employees as soon as possible after the decisions are made.

Employees cannot be paid for more than two (2) days of Volunteer Activity Leave in a calendar year regardless of transfer from one department to another. Each department is responsible for conducting due diligence to ensure an employee has not exhausted Volunteer Activity Leave prior to approving the paid leave.

#### **N. Administrative Leave**

An employee may be placed on paid administrative leave for the following

purposes:

1. During the investigation of any alleged improper act by an employee which may result in formal disciplinary action(s) and/or when the retention of the employee may be detrimental to the interests of the City or injurious to the employee, his/her fellow workers or the general public. Generally, an employee will not be placed on administrative leave for any period longer than is necessary for the department to determine the appropriate disciplinary action, if any, to be taken. In accordance with the Discipline Policy and Procedure, no classified employee shall be placed on Administrative Leave pending an investigation of alleged improper conduct for longer than ten working days.

2. As a non-monetary bonus award to an employee to recognize outstanding performance. A bonus award in the form of administrative leave may not exceed five working days or shifts in a calendar year. Any administrative leave awarded as a non-monetary bonus must be used within a year of the date granted.

3. As a non-monetary bonus award to recognize long term service of City employees who earn length of service awards.

In addition, Administrative Leave shall be any paid leave authorized by the City Manager or Department Head which is not otherwise specifically delineated in the Time Away from Work Policy and/or this procedure.

#### **I. Leave Administration, Approval Process & Reporting**

The Human Resources Director shall be responsible for the administration and enforcement of leave regulations and related procedures and for the maintenance of an official master record of all leave accruals, usage and balances. Requests for leaves of absence in all categories shall be submitted by an employee through normal channels of supervision to the employee's Department Head. Department Head shall be responsible for adherence to approved leave policies in their respective areas of responsibility. Approval and scheduling of leave time for an employee shall be the responsibility of that employee's Department Head.

All approved leave time in any category whatsoever shall be certified by the Department Head and reported directly in terms of hours for the preceding pay period. Time sheets, leave slips, and related documentation such as military orders, subpoenas, medical certifications and letters of authorization shall be retained by the City in a file separate from the employee's personnel file after such absences have been approved and reported on payrolls. In particular, all documents containing medical information will be maintained by the Human Resources Director in a separate file for each employee that is not part of their personnel file. Such records will be retained for at least three (3) years in addition to the current year.

No paid leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records.

Periodic internal and external audits of the leave records in each department may be scheduled and conducted to ensure that all leave policies are being properly followed and enforced.

#### **IV. Transfer of Leave Between Employees**

- (1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work for the employee's own personal health reasons.
- (2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.
- (3) **Transfer of hours is limited to six weeks per calendar year.** All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.
- (4) The donor employee must retain a minimum vacation leave balance of two weeks
- (5) Transfer of hours is final and cannot be reversed
- (6) A copy of a completed transfer form must be submitted to each employee's Department Head for payroll purposes
- (7) An employee using transferred leave will not accrue any leave

#### **V. Payment of Leave Upon Retirement for Disability or Death**

Notwithstanding any other provisions in the Time Away from Work Policy and Procedure, employees who retire for physical or mental disability or who die while in City service shall receive the following payouts:

- (1) An employee who retires for physical or mental disability may utilize all unused, accrued sick leave, vacation leave, compensatory leave, and/or holiday leave to which he or she was entitled at the time of such retirement;
- (2) An employee who dies while in the City service shall have paid to his/her estate executor the value of all unused accrued leave balances for vacation leave, sick leave, compensatory leave and/or holiday leave.

#### **VI. Miscellaneous Leave Provisions**

##### **(1) Leave for Rehires**

Sick leave balances shall be restored for those employees who are re-employed in a regular appointed position within six (6) months of their most recent separation from a regular appointed position. Employees who are re-employed within one (1) year of their most recent separation from a City regular appointed position shall be entitled to the bridging of service time for vacation accrual rates.

##### **(2) Transfer from one Department or Job to Another**

(a) An employee transferring from one department to another shall be credited with all accrued leave in all accruable categories with no change in current accrual rate unless tied to creditable years of service.

(b) When an employee who accrues leave accepts an appointment in a position which does not accrue leave, the employee will be paid his/her accumulated vacation, and/or holiday leave at the time of accepting the new appointment. In these instances, accrued sick leave balances will be forfeited in the same manner as for other employees who are separated. However, sick leave balances will be frozen and held in reserve for computation of pension and retirement benefits at the time of retirement. All accrued compensatory time will be paid out.

**(3) Accrual of Vacation & Sick Leave While on Paid Leave**

Subject to the provisions of the Time Away from Work Policy and Procedure, vacation and sick leave shall continue to accrue while eligible employees are on paid leave.

**(4) Paid Time Off for Blood Donors**

Paid time off shall be granted to blood donors at the rate of 4.0 hours for each such donation, chargeable as "Other Leave," to be taken at the convenience of the Department Head concerned within six months of receipt.

**(5) Indebtedness to City**

Whenever an employee is indebted to the City, the amount of such indebtedness may be deducted from compensation due and/or from accrued compensatory, vacation leave, as allowed by applicable law.

**(6) Adjustment to Active Creditable Service**

With the exception of FMLA leave, all leave without pay in excess of six (6) weeks shall result in an adjustment to an employee's active creditable service, unless otherwise prohibited by law.

**(7) Adjustments to Leave Records upon Change in Circumstances**

When an illness occurs during an approved vacation or other accruable leave period, appropriate adjustments to the employee's leave records, e.g., changing leave time from vacation to sick leave, may be made as necessary by the employee's Department Head upon the employee's return to work.

**(8) Adjustment in Pay Rate upon Return from Paid Leave**

An employee in a paid leave status will receive, as appropriate, any and all pay rate adjustments which may have occurred during the employee's absence upon the employee's return to work from paid leave.

**(9) Time for Crediting & Taking Accrued Leave**

Leave shall not be credited or taken in any category until after the end of the accrual period during which it is earned.

**(10) Requirements for Paid Leave**

Any employee who uses any paid leave for medical appointments or recurring treatment may be required to submit reports of attendance at such appointments.

TIME AWAY FROM WORK

I. Statement of the Policy

The City recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees.

Therefore, it shall be the policy of City to provide time off—both paid and unpaid—to eligible employees for the following purposes:

Holidays	Vacation	Sick	Emergency/ Bereavement
Injury	FMLA	Military	Official
Leave Without Pay	Court (Jury and Witness Duty)	Voting	Parental
	Volunteer Activity	Administrative	

II. Definitions

**Vacation Leave** is paid time off provided to eligible employees to rest or engage in recreational or other personal activities.

**Sick Leave** entitles an eligible employee to receive his or her regular rate of pay during absences related to or resulting from the employee's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties or the employee's receipt of medical or dental care or consultation.

**Military Leave** is an authorized absence from work that may be taken when an employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or



agency of the government of the United States having authority to issue lawful orders requiring military service.

**Emergency Leave / Bereavement Leave** is an authorized absence from work due to a life-threatening illness or death in an employee's immediate family.

**Injury Leave** is an authorized absence from work resulting from an employment related injury that has been designated a catastrophic injury pursuant to State Worker's Compensation Law.

**Family and Medical Leave** is an authorized absence from work provided to eligible employees for specified family and medical reasons in accordance with Federal law.

**Official Leave** is paid time off provided to employees for the purpose of transacting official City business including attendance at meetings or brief courses of instruction and professional development related to the employee's assigned duties and deemed to be in the best interest of City.

**Leave Without Pay** is an approved unpaid absence from work.

**Court Leave** is paid time off provided to employees who are called for jury duty or who are subpoenaed to appear, attend, testify or otherwise participate in any court, administrative or other legal proceedings as a witness except when an employee is a party in a personal lawsuit or other legal proceeding.

**Voting Leave** is paid time off provided to employees to vote in state, national, and local elections.

**Parental Leave** is paid time off provided to eligible employees who become parents through birth, adoption or foster care placement.

**Volunteer Activity Leave** is paid time off from work provided to employees to participate in school or community volunteer activities.

**Administrative Leave** is an authorized absence from duty without loss of pay or charge to accrued leave.

### **III. Categories of Leave**

#### **A. Holidays**

##### **(1) Holiday Pay**

Regular appointed employees whose normal scheduled work day falls on a City holiday, but who are not required to work on a holiday, will receive eight hours (or shift equivalent) of regular pay.

When an employee's officially scheduled "off day" falls on a City holiday, the employee will be granted eight (8) hours (or shift equivalent) of straight time banked as

holiday leave, accrued during the pay period in which the holiday occurs, unless otherwise stated in this policy.

Holiday accrual will be accumulated to a maximum of 15 holidays. Holiday hours beyond the maximum allowed shall be forfeited. Employees are encouraged to utilize holiday time, as earned to avoid reaching the maximum accrual.

An employee that is normally scheduled to work on a City holiday and requests to take the time off will be considered to have observed the holiday and will not accrue holiday time.

To be eligible for holiday pay, an employee must have been in a pay status on the employee’s regularly scheduled work days immediately before and immediately after the holiday. “Pay status” is defined as either working on the regularly scheduled work day or being on approved paid leave.

**(2) Compensation for employees required to work holidays**

Nothing in this policy prohibits any Department Head from requiring the services of any number of employees in their respective departments to work on any given holiday when needed for City operations. Employees who work on a City holiday will receive their regular rate of pay for all hours worked. In addition, any employee who works on a City holiday will receive holiday leave time banked as “holiday earned” at a rate of 1.0 for each hour actually worked on the holiday.

**(3) Employees on Leave of Absence**

Employees who are on a continuous unpaid leave of absence are not eligible to receive holiday pay.

**B. Vacation**

**(1) Eligibility and Accrual**

Earned vacation leave may be authorized for all regular appointed employees. Eligible employees earn and accrue vacation leave based upon active creditable service, at the rates specified below. Vacation leave does not accrue during unpaid leaves of absence or other periods of inactive service.

The City encourages a work-life balance; therefore, vacation leave may be accumulated to a maximum number of hours. Vacation hours earned beyond the maximum allowed shall be forfeited. Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their vacation accrual prorated accordingly, based upon the actual number of hours to be paid during that payperiod.

**Vacation Accrual Rates**

<b>Years of Active Creditable Service</b>	<b>80 Hour Employee</b>	<b>84 Hour Employee</b>	<b>106 Hour Employee</b>
<b>Hire - 3 years</b>	4.37 hours per pay period	4.54 hours per pay period	6.55 hours per pay period

<b>3 – 8 years</b>	5.33 hours per pay period	5.53 hours per pay period	8.18 hours per pay period
<b>8 years and over</b>	6.28 hours per pay period	6.52 hours per pay period	9.42 hours per pay period
<b>Maximum Accrual</b>	240 hours (six weeks)	252 hours (six weeks)	318 hours (six weeks)

**(2) Taking Vacation**

Earned vacation leave may be taken upon approval by an employee’s Department Head or designated supervisor and may be used for rest, relaxation, or engagement in recreational activities and/or other personal interests, including educational pursuits or to run for Public Office. Employees may take vacation in one-hour increments.

Vacation time off will be granted at the convenience of the employee, whenever possible; provided, however, that primary consideration must be given to the maintenance of adequate staff to perform required services at all times. Employees should direct all requests for use of vacation time to their immediate supervisor.

Any vacation time requested by an employee and approved by the Department Head will be charged against accrued compensatory leave balances, if available, before any accrued vacation leave balances are charged.

Department Heads have the discretion to adopt supplemental procedures regarding the scheduling of Vacation Leave to address issues that are not included in this procedure, including prohibiting employees from using earned vacation leave until they have worked some minimum amount of time in a regular appointed position.

**(3) Vacation Pay**

Employees will receive pay for earned vacation at their regular rate of pay at the time the vacation is taken. Time taken as vacation is not counted for the purpose of calculating an employee’s overtime hours of work or overtime premiums during a particular work period.

Unused vacation benefits will be paid upon termination of employment up to the maximum set forth in this policy. Such vacation benefits will be paid at the employee’s regular rate of pay at the time of termination of employment. For employees on FMLA, vacation leave will run concurrently with FMLA leave consistent with the applicable rules of this policy and the FMLA policy.

**C. Sick Leave**

**(1) Eligibility and Accrual**

Earned sick leave may be authorized for all regular appointed employees including Department Head, except those who may be specifically exempt. Eligible employees earn and accrue sick leave at the rates specified below. Sick hours earned beyond the maximum allowed shall be forfeited. Sick leave does not accrue during unpaid leaves of absence or other periods of inactive service.

Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their sick leave accrual prorated, based upon the actual number of hours to be paid during that pay period.

## **Sick Leave Accrual Rates**

	<b>80 Hour Employee</b>	<b>84 Hour Employee</b>	<b>106 Hour Employee</b>
	3.42 hours per pay period	3.55 hours per pay period	5.33 hours per pay period
<b>Maximum Accrual</b>	480 hours (12 weeks)	504 hours (12 weeks)	636 hours (12 weeks)

### **(2) Taking Sick Leave**

Upon approval, an employee may utilize sick leave because of personal illness, convalescence, non-occupational injury, exposure to contagious disease that might endanger the health of others, dental or vision treatment, preventive medical care, and for personal emergencies justifying emergency leave (as defined in Section D). The City will not tolerate abuse or misuse of sick-leave. Additionally, employees are prohibited from engaging in outside employment while they are on sick leave.

Employees should direct requests for known sick leave in advance (such as a request for time off to attend a medical appointment) to their immediate supervisor. An employee who is unable to report to work because of an injury or illness must notify his or her supervisor prior to the scheduled starting time, or as soon as practical, consistent with the Attendance and Punctuality Policy. Employees should refer to the call-in requirements set forth in the City's Attendance and Punctuality Policy and any supplemental time and attendance procedures developed by their department.

For non-FMLA absences of any duration due to illness or injury not connected with employment, a Department Head may request an employee present a physician's note justifying the employee's absence from work. Failure to present a physician's note or medical excuse when requested may be grounds for discipline including termination.

The City reserves the right to require that an employee present a return to work release from an employee's health care provider at the time the employee returns to work except in cases of an employee's return from intermittent FMLA leave. Sick leave of any duration which begins after submission of a resignation or after notification of termination may be charged against accrued vacation leave, holiday leave, or in the absence thereof, to leave without pay (LWOP). Sick leave shall not be taken after the last day on duty when an employee is being separated, except for employees who are retiring for disability reasons. In addition, this prohibition does not apply the pay out of accrued sick leave to an employee's estate upon the employee's death.

Employees with potentially FMLA-qualifying conditions or situations should review the Family and Medical Leave Act Policy and apply for leave, if applicable.

### **(3) Sick Leave Pay**

Eligible employees will receive pay for accrued sick leave at their regular rate of pay at the time the sick leave is utilized. Time taken as sick leave is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work week.

Sick leave may be accumulated to a maximum number of hours. Sick hours earned

beyond the maximum allowed shall be forfeited. Employees are not compensated for unused sick leave at the end of employment with the City or at any other time. For employees on FMLA leave, sick leave will run concurrently with FMLA leave consistent with the applicable rules of this policy, the FMLA policy and applicable law. Misuse of sick leave will be addressed as a disciplinary issue consistent with the City's Attendance and Punctuality Policy, and may be investigated in accordance with the City's Sick Leave Abuse Prevention & Investigation Procedures.

**D. Emergency/Bereavement Leave**

**(1) Eligibility**

Employees who are entitled to sick leave may be granted emergency leave not to exceed 15 days:

- 120 hours per calendar year for 80-hour employees
- 126 hours for 84-hour employees
- 180 hours for 106-hour employees

The emergency leave is chargeable against sick leave and vacation leave, in that order, in cases of bona fide emergencies or bereavement resulting from any of the following reasons, conditions and circumstances:

(a) Serious illness or death of a member of the employee's immediate family, whether or not such member is physically residing in the employee's household or elsewhere. Such illness shall require the employee's personal care and attendance as determined by the circumstances in each case. For purposes of this policy, immediate family members are defined as follows:

- Spouse (including same sex spouses and common law spouses)
- Child (natural or adopted), step-child, grandchild, great-grandchild
- Brother, sister, half-brother, half-sister, step-brother, step-sister
- Parent, Grandparent, Great-grandparent, Step-parent
- Brother or sister of your mother or father (uncle, aunt)
- Son or daughter of your brother or sister (nephew, niece)
- Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law
- Foster Child
- Legal Ward

(b) Accompanying an elderly relative to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or group homes.

(c) Employees are also entitled to emergency leave under this policy for enforced medical quarantine of the employee in accordance with community health laws or regulations.

(d) If an employee has no accrued leave, emergency leave may be granted in the form of leave without pay.

(e) An employee is entitled to take up to three (3) days of official leave with pay to make arrangements for or to attend the funeral of an immediate family member, as defined herein, who dies as the result of wounds, disease of injury incurred while serving in a combat zone as a member of the Armed Forces. Proof of death must be furnished within seven calendar days of the employee's return to work following use of such leave. Failure to provide proof will result in a reversal of leave days granted and non-payment for any related days of missed work. Disciplinary action may be taken if it is discovered that an employee has fraudulently requested leave under this paragraph.

## **(2) Taking Emergency/Bereavement Leave**

In the event of an immediate family member's death, an employee may utilize emergency leave to make funeral arrangements, settle family affairs, attend the funeral or memorial service, and for bereavement. The amount of bereavement leave granted is at the discretion of the Department Head based upon the employee's individual circumstances and the needs of the department.

Employees who are required to care for a parent, spouse or child with a serious health condition should review the City's Family and Medical Leave Act Policy and apply for FMLA leave, if applicable. If an employee is approved for FMLA leave, emergency leave will run concurrently with FMLA leave.

Verification may be required to substantiate periods of absence of any duration of emergency leave upon request of the Department Head concerned.

## **E. Injury Leave**

Injury leave may be granted to City employees only in cases where an employee's injury has been designated a catastrophic injury as defined by State Worker's Compensation Law. Injuries must arise out of, and in the course of, employment as defined by law.

Injury Leave may be granted only upon written recommendation of the Department Head, as reviewed by the Human Resources Director, Risk Manager, and approved by the City Manager. A physician's certificate must be furnished for all injury leave requests. The employee may elect to use either leave without pay (LWOP) or his or her available leave. After the first seven days, the employee shall receive Workers Compensation benefits only, which would total approximately two-thirds of his or her average weekly wage, not to exceed the maximum Workers Compensation indemnity benefits as governed by the State Board of Workers' Compensation.

## **F. Family and Medical Leave**

The City will grant family and medical leave in accordance with the requirements of the Family and Medical Leave Act of 1993, as set forth in City's Family and Medical Leave Act (FMLA) Policy.

## **G. Military Leave**

The City will grant military leave in accordance with the requirements of the

Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA” and Georgia law.

**(1) Military Leave under Federal Law - USERRA**

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA.” Employees’ rights under USERRA are summarized below.

**(a) Eligibility for Leave**

City employees serving in the “uniformed services” are covered by USERRA. The “uniformed services” are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service
- An employee is unable to obtain orders of release through no fault of his or her own
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements

An employee who is separated as a result of exceeding the five-year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal.

**(b) Notice of Leave**

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Department Head with as much advance notice as possible of any anticipated leave of absence for military service.

**(c) Compensation and Benefits During Leave**

In compliance with Federal and State law, City employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year; however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

Accrued unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee's request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Department Head. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days.

An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he or she would have attained if no military leave had been taken.

**(d) Reinstatement**

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his or her service on a basis that is not dishonorable or otherwise prohibited under USERRA, and must not have exceeded the five-year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled work day following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for re-employment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to re-apply within applicable time limits may result in loss of re-employment rights. Full details regarding reinstatement are available from the Human Resources Department. In general, an



employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, City will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of re-employment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or for
- One year after the date of re-employment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

## **(2) Military Leave under Georgia Law**

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled to a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if the City's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Regular appointed employees who must leave for up to six months in a four-year period to participate in assemblies or annual training, or to attend service schools conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position and they apply for re-employment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement. Employees should contact a Human Resources Department representative for more information about Military Leave.

## **H. Official Leave**

Upon approval by a Department Head, employees may be granted official leave with pay for the purpose of transacting official City business, to include attendance at meetings or brief courses of instruction directly related to their assigned duties and deemed to be in the best interest of the City. Official leave shall be granted independently of other categories of leave specified in this procedure and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

## **I. Leave of Absence Without Pay (LWOP)**

Unless otherwise permitted in the City Policies and Procedures, a leave of absence without pay for medical reasons must be requested and approved through the ADA accommodation process as set forth in City's Americans with Disabilities Act - Reasonable Accommodation Policy and Procedure.

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the Department Head through consultation with the HR Director or designee. Paid leave will not be accrued during leave without pay status.

Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact Human Resources to arrange for documentation and payment of premiums. The exceptions to these provisions are leave granted as Family Medical and Military Leave as specified in this manual.

#### **J. Court Leave (Jury and Witness Duty Leave)**

The City encourages employees to serve on jury or witness duty when called. Employees are entitled to court leave without loss of pay or time for all days during which he/she shall be subpoenaed by any court, Federal, State or political subdivision thereof, to serve as a juror or witness. Employees on court leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Court leave shall be granted independently of other categories of leave specified in this policy and will not accrue. Court leave will be counted as active, creditable service.

Employees are not entitled to leave under this procedure for legal proceedings in which the employee is a party to the litigation. Similarly, employees who are absent from work because of a court order or judicial process due to being charged with a crime are not entitled to leave.

Employees must notify their Department Head of the need for time off for jury or witness duty upon receipt of a subpoena, notice or summons from the court, and should provide their Department Head with a copy of such documentation.

Employees may be required to provide verification of jury duty or witness service from the court clerk. Any employee on jury or witness duty is expected to report or return to work for the remainder of the work schedule when dismissed from jury or witness duty.

Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave in accordance with this policy.

#### **K. Voting Leave**

The City encourages all employees to fulfill their civic responsibilities and to vote in official public elections. The City complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for non-exempt employees.

Paid leave for voting is available to employees when their work schedule does not

allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible to request paid leave for voting.

Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having actually voted may be required.

#### **L. Parental Leave**

Regular appointed employees who have been employed by the City for at least one (1) year are eligible for paid parental leave as set forth in the Paid Parental Leave Policy and Procedure.

#### **M. Volunteer Activity Leave**

Regular appointed employees shall be permitted to take up to two (2) days of paid leave per calendar year to participate in eligible volunteer activities. Such leave time shall not be chargeable to an employee's sick, vacation, compensatory or holiday leave accruals. Volunteer Activity Leave hours do not accrue and unused leave will not roll over to the next calendar year. Rather, eligible employees may use Volunteer Activity Leave for qualifying absences that occur during their regular scheduled work hours, up to a total of two (2) days in any calendar year. Volunteer Activity carries no cash value if unused, and employees will receive no payout of unused Volunteer Activity Leave upon separation from the City.

Eligible activities include, but are not limited to, the following school or community volunteer activities:

1. Voluntary service as part of an organized service project sponsored by a community, national or other service organization, e.g., Habitat for Humanity
2. Participation in community service programs that meet child, elder, or human needs. For example, delivering meals to the elderly or to needy community citizens through an organization such as Meals on Wheels
3. Attending non-profit boards and committee meetings, e.g., Boy Scouts/Girl Scouts, Big Brother/Big Sister, American Red Cross, 100 Black Men, etc.
4. Participation in activities directly related to non-profit fundraising, e.g., set up/take down, registration, answering phones, recruiting/organizing/training volunteers
5. Participation in activities directly related to student achievement and academic support of the employee's child, step-child, foster-child, or other child for whom the employee has legal custody. Covered activities range from nursery and pre-school programs through higher education and include, but are not limited to the following:
  - Attendance at Parent/Teacher conferences
  - Participation in classroom activities, such as reading to a class or presenting on career day; proctoring examinations, attendance at award and recognition ceremonies or graduation exercises;

participation in field day activities; chaperoning field trips; attendance at open house functions; and interviewing for a new school

Use of Volunteer Activity Leave for any political purpose or agenda is prohibited.

Volunteer Activity Leave is not intended and may not be used for the following activities:

1. Organizations whose primary purpose is to influence political campaigns on behalf of or against any candidate, political party, or political action committee
2. Participation in rallies, marches, or other events with a political agenda
3. Involvement in schools for attendance at social or sporting events
4. Faith-based religious gatherings
5. Participation in fraternal organizations, social clubs, labor organizations, or athletic/recreational clubs
6. Participation in a run, marathon, golf tournament, or other recreational activity, even if the goal is to raise funds for charitable goals and services
7. In place of annual or sick leave.

Solicitation for charities or organizations in the workplace will not be permitted in accordance with the City's No-Solicitation policy.

Employees must receive approval from their supervisors prior to using Volunteer Activity Leave. Supervisors may require written verification from an official of the service organization for use of Volunteer Activity Leave. If the leave is used for school-related activities, written verification should be from a school administrator or teacher.

Departments have discretion to approve or deny requests for leave based on operational needs, or other reasons, such as conduct, attendance, or unsatisfactory work performance. The Department Head should ensure that denials are applied consistently for all similarly situated employees.

Departments may determine that it is not possible to release certain employees under this policy and procedure, such as employees in direct care or public safety positions, due to staffing requirements. When adequate, capable back-up staff is readily available, or if it is possible to adjust employees' schedules, employees' requests should be granted. If they are unable to grant Volunteer Activity Leave requests, departments should inform affected employees as soon as possible after the decisions are made.

Employees cannot be paid for more than two (2) days of Volunteer Activity Leave in a calendar year regardless of transfer from one department to another. Each department is responsible for conducting due diligence to ensure an employee has not exhausted Volunteer Activity Leave prior to approving the paid leave.

#### **N. Administrative Leave**

An employee may be placed on paid administrative leave for the following

purposes:

1. During the investigation of any alleged improper act by an employee which may result in formal disciplinary action(s) and/or when the retention of the employee may be detrimental to the interests of the City or injurious to the employee, his/her fellow workers or the general public. Generally, an employee will not be placed on administrative leave for any period longer than is necessary for the department to determine the appropriate disciplinary action, if any, to be taken. In accordance with the Discipline Policy and Procedure, no classified employee shall be placed on Administrative Leave pending an investigation of alleged improper conduct for longer than ten working days.

2. As a non-monetary bonus award to an employee to recognize outstanding performance. A bonus award in the form of administrative leave may not exceed five working days or shifts in a calendar year. Any administrative leave awarded as a non-monetary bonus must be used within a year of the date granted.

3. As a non-monetary bonus award to recognize long term service of City employees who earn length of service awards.

In addition, Administrative Leave shall be any paid leave authorized by the City Manager or Department Head which is not otherwise specifically delineated in the Time Away from Work Policy and/or this procedure.

#### **I. Leave Administration, Approval Process & Reporting**

The Human Resources Director shall be responsible for the administration and enforcement of leave regulations and related procedures and for the maintenance of an official master record of all leave accruals, usage and balances. Requests for leaves of absence in all categories shall be submitted by an employee through normal channels of supervision to the employee's Department Head. Department Head shall be responsible for adherence to approved leave policies in their respective areas of responsibility. Approval and scheduling of leave time for an employee shall be the responsibility of that employee's Department Head.

All approved leave time in any category whatsoever shall be certified by the Department Head and reported directly in terms of hours for the preceding pay period. Time sheets, leave slips, and related documentation such as military orders, subpoenas, medical certifications and letters of authorization shall be retained by the City in a file separate from the employee's personnel file after such absences have been approved and reported on payrolls. In particular, all documents containing medical information will be maintained by the Human Resources Director in a separate file for each employee that is not part of their personnel file. Such records will be retained for at least three (3) years in addition to the current year.

No paid leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records.

Periodic internal and external audits of the leave records in each department may be scheduled and conducted to ensure that all leave policies are being properly followed and enforced.

#### **IV. Transfer of Leave Between Employees**

- (1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work for the employee's own personal health reasons.
- (2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.
- (3) **Transfer of hours unlimited.** All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.
- (4) The donor employee must retain a minimum vacation leave balance of two weeks
- (5) Transfer of hours is final and cannot be reversed
- (6) A copy of a completed transfer form must be submitted to each employee's Department Head for payroll purposes
- (7) An employee using transferred leave will not accrue any leave

#### **V. Payment of Leave Upon Retirement for Disability or Death**

Notwithstanding any other provisions in the Time Away from Work Policy and Procedure, employees who retire for physical or mental disability or who die while in City service shall receive the following payouts:

- (1) An employee who retires for physical or mental disability may utilize all unused, accrued sick leave, vacation leave, compensatory leave, and/or holiday leave to which he or she was entitled at the time of such retirement;
- (2) An employee who dies while in the City service shall have paid to his/her estate executor the value of all unused accrued leave balances for vacation leave, sick leave, compensatory leave and/or holiday leave.

#### **VI. Miscellaneous Leave Provisions**

##### **(1) Leave for Rehires**

Sick leave balances shall be restored for those employees who are re-employed in a regular appointed position within six (6) months of their most recent separation from a regular appointed position. Employees who are re-employed within one (1) year of their most recent separation from a City regular appointed position shall be entitled to the bridging of service time for vacation accrual rates.

##### **(2) Transfer from one Department or Job to Another**

(a) An employee transferring from one department to another shall be credited with all accrued leave in all accruable categories with no change in current accrual rate unless tied to creditable years of service.

(b) When an employee who accrues leave accepts an appointment in a position which does not accrue leave, the employee will be paid his/her accumulated vacation, and/or holiday leave at the time of accepting the new appointment. In these instances, accrued sick leave balances will be forfeited in the same manner as for other employees who are separated. However, sick leave balances will be frozen and held in reserve for computation of pension and retirement benefits at the time of retirement. All accrued compensatory time will be paid out.

**(3) Accrual of Vacation & Sick Leave While on Paid Leave**

Subject to the provisions of the Time Away from Work Policy and Procedure, vacation and sick leave shall continue to accrue while eligible employees are on paid leave.

**(4) Paid Time Off for Blood Donors**

Paid time off shall be granted to blood donors at the rate of 4.0 hours for each such donation, chargeable as "Other Leave," to be taken at the convenience of the Department Head concerned within six months of receipt.

**(5) Indebtedness to City**

Whenever an employee is indebted to the City, the amount of such indebtedness may be deducted from compensation due and/or from accrued compensatory, vacation leave, as allowed by applicable law.

**(6) Adjustment to Active Creditable Service**

With the exception of FMLA leave, all leave without pay in excess of six (6) weeks shall result in an adjustment to an employee's active creditable service, unless otherwise prohibited by law.

**(7) Adjustments to Leave Records upon Change in Circumstances**

When an illness occurs during an approved vacation or other accruable leave period, appropriate adjustments to the employee's leave records, e.g., changing leave time from vacation to sick leave, may be made as necessary by the employee's Department Head upon the employee's return to work.

**(8) Adjustment in Pay Rate upon Return from Paid Leave**

An employee in a paid leave status will receive, as appropriate, any and all pay rate adjustments which may have occurred during the employee's absence upon the employee's return to work from paid leave.

**(9) Time for Crediting & Taking Accrued Leave**

Leave shall not be credited or taken in any category until after the end of the accrual period during which it is earned.

**(10) Requirements for Paid Leave**

Any employee who uses any paid leave for medical appointments or recurring treatment may be required to submit reports of attendance at such appointments.



# HR Policy Revisions

Anquilla Henderson  
Director, Human Resources  
September 2, 2020



# Presentation Overview

A recommendation to revise the following adopted personnel policies:

- ❑ **HR Policy #325-18 Time Away from Work  
(IV. Transfer of Leave Between Employees)**
- ❑ **HR Policy#116-18 Work Week, Work Period, And Pay Period  
(III. Work Period for Sworn Law Enforcement Officers and Fire Protection Employees)**
- ❑ **HR Policy#314-18 Overtime and Compensatory Time**

Revisions are recommended to effectively manage leave accruals and the financial impact related to such matters.

Leave  
Donation

Public Safety  
Work Period

Compensatory  
Time Accrual



# HR Policy Revision- *Transfer of Leave Between Employees*

**HR Policy Time Away from Work 325-18, IV. Transfer of Leave Between Employees** limits transfer of hours (leave donations) to a maximum of six weeks, per calendar year.

Upon reviewing the practices and policies of other departments and to further extend the city's commitment to quality employee benefits and incentives, HR recommends approval to **remove the maximum transfer of hours a recipient may receive**. Removing the limit will allow employees to donate additional leave and potentially keep the receiving employee from entering a leave without pay status, which results in a loss of income, if leave donations are received on his or her behalf.

- ✓ Revising the policy will eliminate the need for shift substitutions for public safety departments
- ✓ Offers greater flexibility for employees to support their colleagues during his/her medical time of need
- ✓ Reduces stress and encourages our valued employees to focus on their recovery
- ✓ No additional cost impact to the city; removing the restriction offers a reduction in accounting accruals for compensable leave categories

# HR Policy Revision- *Public Safety Work Period Change*

*Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.*

- ✓ Work period change for public safety from 28 days to **14 days** to better align with the city’s adopted bi-weekly pay schedule.
  - **86 hours Police**
  - **106 hours Fire**
- ✓ Allows for a payroll process that will produce more evenly distributed compensation for public safety employees.



# HR Policy Revision- *Comp Time Accrual*

*Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local government employees may accrue up to 240 hours*

HR and Finance recommends increasing the compensatory accrual maximum hours from 120 to **480** for Fire and Law Enforcement personnel and implement **240** compensatory accrual maximum hours for all other government employees.

- ✓ Allows effective management of hours worked in excess of scheduled work hours. Supervisors must practice diligence with ensuring that employees do not accumulate comp time beyond the maximum which would then require payment of overtime hours.
- ✓ Permits more discretionary time to reduce the accrued leave. This is the primary reason for increasing hours to 480 and 240; to allow enough time for supervisors and employees to schedule time off and use their accumulated hours.
- ✓ Policy requires employees with comp time to expend comp time before any other leave category (except sick leave—when applicable)

## Compensatory Time

Time off with pay in lieu of overtime pay  
for overtime worked

Accrued at the rate of one and one-half  
(1.5) hours for each hour worked in excess  
of the established work period

# Summary of HR Policy Revisions

## **HR Policy # 325-18 Time Away from Work (IV. Transfer of Leave Between Employees)**

### **Original**

(3) Transfer of hours is limited to six weeks per calendar year. All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.

### **Update**

(3) Transfer of hours is unlimited. All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.

# Summary of HR Policy Revisions

## **HR Policy #116-18 Work Week, Work Period, And Pay Period (III. Work Period for Sworn Law Enforcement Officers and Fire Protection Employees)**

### **Original**

The work period for officers of the Police Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be a 168-hour, 28-day work period (84 hours bi-weekly).

The work-period for fire protection employees of the Fire Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be a 212-hour, 28-day work period (106 hours bi-weekly).

The 28-day work period begins 12:00 a.m. Monday and ends 12:00 a.m. the fourth Monday thereafter. The City standard work week (set forth in Section II above) shall apply to all other civilian personnel within the law enforcement and fire departments.

### **Update**

The work period for officers of the Police Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be an 86-hour, 14-day work period.

The work period for fire protection employees of the Fire Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be a 106-hour, 14-day work period.

The 14-day work period begins 12:00 a.m. Monday and ends 12:00 a.m. the second Monday thereafter. The City standard work week (set forth in Section II above) shall apply to all other civilian personnel within the law enforcement and fire departments.

# Summary of HR Policy Revisions

## HR Policy#314-18 Overtime and Compensatory Time

### 1. Overtime Pay

#### Original

212 hours in one 28-day work period for non-exempt fire protection employees (as defined in 29 U.S.C. §207(k)); or 168 hours in one 28-day work period for non-exempt law enforcement personnel (as defined in 29 U.S.C. §207(k))

#### Update

106 hours in one 14-day work period for non-exempt fire protection employees (as defined in 29 U.S.C. §207(k)); or 86 hours in one 14-day work period for non-exempt law enforcement personnel (as defined in 29 U.S.C. §207(k))

### 2. Accruing Compensatory Time

#### Original

Eligible employees may not accrue more than 120 hours of compensatory time at any time.

#### Update

Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other employees may accrue up to 240 hours of comp time.

# Summary of HR Policy Revisions

## HR Policy#314-18 Overtime and Compensatory Time

### IV. Paying out Compensatory Time

#### Original

Any comp time accrued over the 120 hours maximum will be paid the following pay period in which it is earned. Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded.

Compensatory time will be paid out as following (whichever occurs first):

1. 120 hours maximum accrual
2. Separation of employment
3. Change in classification affecting compensation (i.e. promotion/ demotion)

#### Update

Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded.

Compensatory time will be paid out as following (whichever occurs first):

1. Separation of employment
2. Change in classification affecting compensation (i.e. promotion/ demotion)







**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on COVID-19 Emergency Order

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** City Manager

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**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on CARES Act Funding

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** Mayor

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**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on 2020 Census

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** Mayor

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**CITY OF SOUTH FULTON**  
**COUNCIL AGENDA ITEM**  
**COUNCIL WORK SESSION**



**SUBJECT:** Council Discussion on Amending Title 6

**DATE OF MEETING:** 9/8/2020

**DEPARTMENT:** Mayor

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**ATTACHMENTS:**

Description	Type	Upload Date
Amend Ord Title 6 Health and Sanitation	Cover Memo	9/2/2020

1 **STATE OF GEORGIA**  
2 **COUNTY OF FULTON**  
3 **CITY OF SOUTH FULTON**  
4

5  
6 **AN ORDINANCE TO AMEND TITLE 6, HEALTH AND SANITATION, OF THE CITY**  
7 **CODE TO ESTABLISH A PRIMARY RESIDENTIAL SOLID WASTE SERVICE**  
8 **PROVIDER; TO ENHANCE THE COLLECTION, DISPOSAL, AND RECYCLING OF**  
9 **SOLID WASTE AND FOR OTHER LAWFUL PURPOSES**  
10

11 **(Sponsored by Councilperson Willis)**  
12

13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly  
14 organized and existing under the laws of the State of Georgia;

15  
16 **WHEREAS**, the duly elected legislative authority of the City is the Mayor and  
17 Council thereof (“City Council”);  
18

19 **WHEREAS**, pursuant to O.C.G.A. § 36-35-3 and City Charter Section 3.10(b), the  
20 City Council is authorized to adopt ordinances it deems necessary, expedient, or helpful  
21 for the health, welfare, sanitation, comfort, and well-being of the inhabitants of the City;  
22

23 **WHEREAS**, the City finds that amending its solid waste collection, disposal, and  
24 recycling ordinance will serve to promote safety, sanitation, reliable waste collection  
25 service, protection of the environment and City streets and roads;

26  
27 **WHEREAS**, the City further finds that amending its ordinances as set forth herein  
28 helps the City to effectively address challenges and concerns identified within its solid  
29 waste management planning process;

30  
31 **WHEREAS**, pursuant to Article IX, Section II, Paragraph I (a) and III (a) (2) of the  
32 Georgia Constitution and controlling Georgia law, the City is authorized to enter into one  
33 or more service agreements with a private company or companies to provide Residential

34 Solid Waste Collection and Disposal Services, Processing of Residential Recovered  
35 Materials, Recycling and related solid waste services to residents of City; and

36

37 **WHEREAS**, the City finds it to be in the public interest and for the health, welfare,  
38 sanitation, comfort, and well-being of the City and its inhabitants to adopt the regulations  
39 herein regarding the processing of solid waste within the City.

40

41 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as**  
42 **follows:**

43

44 **Section 1:** Chapter 2 of Title 6, Health and Sanitation, of the City of South Fulton  
45 Code of Ordinances is hereby deleted in its entirety and replaced with a new Chapter 2,  
46 which shall read as follows:

47

48 **TITLE 6, HEALTH AND SANITATION**

49

50 **CHAPTER 2: SOLID WASTE**

51

52 **Sec. 6-2001: Short title.**

53

54 This Chapter shall be known as the City of South Fulton Solid Waste Ordinance.

55

56 **Sec. 6-2002: Definitions.**

57 The following words, terms, and phrases when used in this Ordinance shall have  
58 the following meanings ascribed to them, except where the context clearly indicates a  
59 different meaning:

60 Biomedical Waste shall mean pathological waste, biological waste cultures and  
61 stocks of infectious agents and associated biologicals, contaminated animal carcasses  
62 (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy  
63 waste, discarded medical equipment all parts, not including expendable supplies and  
64 materials which have not been decontaminated, as further defined in Georgia Department

65 of Natural Resources, Environmental Protection Rule 391-3-4-.15 as such rule existed as  
66 of the effective date of this Ordinance, and other such waste materials.

67 Bulk Waste shall mean discarded items that are larger than three (3) feet in any  
68 dimension, and/or heavier than fifty (50) pounds in weight, and therefore too large to be  
69 collected in Residential Municipal Solid Waste Collection Carts, including but not limited  
70 to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic  
71 swimming pools, large toys, bicycles, fish aquariums, and other similar items.

72 Collect or Collection shall mean to remove Residential Solid Waste, Residential  
73 Recovered Materials, or Commercial Solid Waste for transport to a disposal or processing  
74 facility, or cause such to be removed.

75 Collection Services shall mean the Collection from a Residential Unit or from a  
76 Commercial Establishment of Municipal Solid Waste, and Residential Recovered  
77 Materials including related transportation, transfer processing and/or disposal.

78 Commercial Establishment shall mean any hotel, motel, apartment dwelling  
79 consisting of more than four (4) units, business, public or semi-public building or premises  
80 of any nature or kind whatsoever other than a Residential Service Unit.

81 Commercial Container shall mean a dumpster or similar waste receptacle supplied  
82 by a Commercial Service Provider.

83 Commercial Recovered Materials shall mean Recovered Materials generated at a  
84 Commercial Establishment.

85 Commercial Service Provider shall mean a Person, firm, corporation or other entity  
86 granted authorization by the City to engage in Commercial Solid Waste Collection and  
87 Disposal within the City who, under written agreement for compensation by those  
88 receiving services, does the work of collecting, transporting, and disposing and/or  
89 processing of Commercial Solid Waste and Commercial Recovered Materials.

90 Commercial Solid Waste shall mean all types of solid waste generated by stores,  
91 offices, restaurants, warehouses, and other nonmanufacturing activities, excluding



92 residential, industrial, C&D, and hazardous wastes.

93 Commercial Solid Waste Collection and Disposal shall mean the performance of  
94 collecting, transporting, and disposing and/or processing of Commercial Solid Waste and  
95 Commercial Recovered Materials in accordance with all requirements of the Solid Waste  
96 Collection and Disposal Services Ordinance and other applicable laws related to  
97 commercial solid waste, commercial recovered materials, as well as incidental  
98 administrative tasks related to the performance of those requirements.

99 Composting shall mean the controlled biological decomposition of organic matter  
100 into stable, odor-free humus.

101 Construction and Demolition Waste (C&D Waste) shall mean waste building  
102 materials and rubble resulting from construction, remodeling, repair, and demolition  
103 operations of pavements, houses, commercial buildings, and other structures. Such  
104 waste includes, but is not limited to, waste containing asbestos, wood, bricks, metal,  
105 concrete, wallboard, paper, cardboard, carpeting, inert waste landfill material, and other  
106 non-putrescible waste, which have a low potential for groundwater contamination.

107 C&D Waste Service Provider shall mean a Person, firm, corporation or other entity  
108 granted authorization by the City to engage in C&D Waste Collection and Disposal within  
109 the City who, under written agreement for compensation by those receiving services,  
110 does the work of collecting, transporting, and disposing of C&D Waste.

111 C&D Waste Collection and Disposal shall mean the performance of collecting,  
112 transporting, and disposing of C&D Waste, in accordance with all requirements of the  
113 Solid Waste Collection and Disposal Services Ordinance and other applicable laws  
114 related to C&D Waste, as well as incidental administrative tasks related to the  
115 performance of those requirements.

116 City shall mean City of South Fulton, Georgia.

117 Disabled Person shall mean an Owner of a Residential Service Unit who is  
118 disabled to the extent that he or she is incapable of placing his or her Residential

119 Municipal Solid Waste, Storage Cart, Residential Recovered Materials, Storage Bin,  
120 White Goods, Bulk Waste and/or Yard Trimmings at the Residential Designated  
121 Collection Location for Collection by the Residential Service Provider, such that he or she  
122 satisfies this Ordinance.

123 Disposal shall mean dumping or depositing of solid waste into or onto a disposal  
124 facility.

125 Disposal Facility shall mean a sanitary landfill or other solid waste disposal facility  
126 permitted by the Georgia Department of Natural Resources, Environmental Protection  
127 Division and/or other applicable regulatory agency with jurisdiction and where the final  
128 deposition of solid waste occurs and includes but is not limited to landfilling and solid  
129 waste thermal treatment technology facilities.

130  
131 Duplex shall mean a building designed exclusively for residential occupancy by  
132 two (2) families.

133 Elective Services shall mean collection services offered by a Residential Service  
134 Provider for an additional charge which are arranged between the Residential Service  
135 Provider and a Residential Service Unit and billed for separately by the Residential  
136 Services Provider.

137 Garbage shall mean food waste, including waste accumulations of animal or  
138 vegetable matter used or intended for use as food, or that attends the preparation, use,  
139 cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. Garbage does not  
140 include Unacceptable Waste.

141 Hazardous Waste shall mean any Solid Waste which has been defined as a  
142 hazardous waste in regulations promulgated by the United States Environmental  
143 Protection Agency or under Georgia Hazardous Waste Management Act, O.C.G.A. § 12-  
144 8-60 *et seq.*

145 Industrial Waste shall mean Solid Waste generated by manufacturing or industrial  
146 processes or operations that is not a Hazardous Waste. Industrial Waste includes, but is

147 not limited to, waste resulting from the following manufacturing processes: Electric power  
148 generations; fertilizer and agriculture chemicals; food-related products and byproducts;  
149 inorganic chemicals; iron and steel products; leather and leather products; nonferrous  
150 metal and foundry products; organic chemicals, plastics and resins; pulp and paper;  
151 rubber and miscellaneous plastic products; stone, glass, clay, and concrete products;  
152 textiles; transportation equipment, and water treatment. This term does not include mining  
153 waste or oil and gas waste.

154 Landfill shall mean an area of land on which or an excavation in which solid waste  
155 is placed for permanent disposal and which is not a land application unit, surface  
156 impoundment, injection well, or compost pile.

157 Mobile Home shall mean a mobile or manufactured home, receiving residential  
158 type collection.

159 Multi-Family Dwelling shall mean a building designed exclusively for residential  
160 occupancy by more than one family, except for Duplex, Triplex, and Quadraplex units.

161 Municipal Solid Waste shall mean any solid waste derived from households  
162 including garbage, trash, and sanitary waste in septic tanks and means solid waste from,  
163 single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds,  
164 picnic grounds, and day use recreation areas. The term includes Yard Trimmings and  
165 Commercial Solid Waste but does not include Construction and Demolition Waste and  
166 solid waste from mining, agricultural, or silvicultural operations or industrial processes or  
167 operations.

168 Municipal Solid Waste Composting shall mean composting of the typical mixed  
169 Solid Waste stream generated by residential, commercial, and/or institutional sources,  
170 recycling includes the composting process if the compost material is put to beneficial use.

171 Municipal Solid Waste Disposal Facility shall mean any facility or location where  
172 the final deposition of any amount of municipal solid waste occurs, whether or not mixed  
173 with or including commercial or industrial solid waste, and includes, but is not limited to,  
174 municipal solid waste landfills and municipal solid waste thermal treatment technology

175 facilities.

176 New Customer shall mean any Owner of a newly-constructed Residential Service  
177 Unit or newly-constructed commercial establishment.

178 Non-Curbside Collection shall mean Collection of Residential Municipal Solid  
179 Waste, Residential Recovered Materials, Residential Bulk Waste, White Goods, and/or  
180 Yard Trimmings outside the Residential Designated Collection Location.

181 Owner shall mean any Person, firm, corporation, or other entity owning, leasing,  
182 renting, occupying, or managing any residential or commercial premises in the City.

183 Ownership shall mean ownership, leasing, renting, occupying, or managing any  
184 premises by any Person, firm, corporation, or other entity in the City.

185 Person shall mean the State of Georgia or any other state agency or institution  
186 thereof, or municipality, City, political subdivision, public or Private Corporation, solid  
187 waste authority, special district empowered to engage in solid waste management  
188 activities, individual, partnership, association, or other entity in Georgia or any other state.  
189 This term also includes any officer or governing or managing body of any municipality,  
190 political subdivision, solid waste authority, special district empowered to engage in solid  
191 waste activities, or public or Private Corporation in Georgia or any other state. This term  
192 also includes employees, departments, and agencies of the federal government.

193 Plan shall mean the 2005 Comprehensive Solid Waste Management Plan  
194 developed for Fulton County for the area previously defined as the Special Services  
195 District for the areas that has is now incorporated as the City of South Fulton, as amended  
196 prior to the effective date of this Ordinance. The Plan is hereby adopted by the City  
197 through this ordinance and may be amended by the City from time to time.

198 Processing shall mean any method, system or other treatment designed to change  
199 the physical form or chemical content of Solid Waste and includes separation from Solid  
200 Waste or other handling of Recovered Materials for Recycling.

201 Processing Facility shall mean a Facility whose activities include, but are not

202 limited to, the separation and preparation of Solid Waste for reuse or Disposal or the  
203 separation and preparation of Recovered Materials or Yard Trimmings to produce a  
204 marketable commodity.

205 Putrescible Waste shall mean Solid Waste that is capable of being decomposed  
206 by microorganisms, including but are not necessarily limited to kitchen wastes, animal  
207 manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and  
208 wastes which are contaminated by such wastes.

209 Quadraplex shall mean a building designed exclusively for residential occupancy  
210 by four (4) families.

211 Recovered Materials shall mean those materials which have known use, reuse, or  
212 recycling potential; can be feasibly used, reused, or recycled; and have been diverted or  
213 removed from the solid waste stream for sale, use, reuse, or recycling whether or not  
214 requiring subsequent separation and processing.

215 Recovered Materials Processing Facility (RMPF) shall mean a facility engaged  
216 solely in the storage, processing, and resale or reuse of recovered materials. Such term  
217 shall not include a solid waste handling facility; provided, however, any solid waste  
218 generated by such facility shall be subject to all applicable laws and regulations relating  
219 to such solid waste.

220 Recycling shall mean any process by which materials which would otherwise  
221 become solid waste are collected, separated, or processed and reused or returned to use  
222 in the form of raw materials or products, except for mixed Municipal Solid Waste  
223 Composting.

224 Residential Designated Collection Location shall mean within six (6) feet of the  
225 curb, paved surface of the public road, closest accessible public right-of-way, or other  
226 such location agreed to by the Residential Service Provider for placement of the  
227 Residential Municipal Solid Waste Storage Cart, the Residential Recovered Materials  
228 Storage Bin, and/or any Yard Trimmings, Bulk Waste, or White Goods are placed, that  
229 will provide safe and efficient accessibility to the Residential Service Provider's collection

230 crew and vehicle.

231 Residential Municipal Solid Waste shall mean Municipal Solid Waste generated at  
232 a Residential Service Unit.

233 Residential Municipal Solid Waste Storage Cart shall mean a leak-proof container  
234 with attached lid and wheels that allow the automated or semi-automated Collection of  
235 Residential Municipal Solid Waste that meets the specifications established by the City.

236 Residential Recovered Materials shall mean Recovered materials generated at  
237 Residential Service Units that have been diverted or removed from the Residential  
238 Municipal Solid Waste stream for sale, use, or recycling, whether or not requiring  
239 subsequent separation and processing.

240 Residential Recovered Materials Storage Bin shall mean a leak-proof plastic  
241 recycling bin with attached lid and wheels that will allow collection of Residential  
242 Recovered Materials that meets the specifications established by the City.

243 Residential Service Provider shall mean a person who has received a service  
244 agreement from the City to perform the physical process of collecting, transporting, and  
245 disposing of the Residential Municipal Solid Waste, Residential Recovered Materials, and  
246 White Goods, Bulk Waste and/or Yard Trimmings within the City.

247 Residential Service Unit shall mean each unit or units within the following  
248 categories that use single-family, residential-type waste storage containers and/or  
249 Residential Municipal Solid Waste Storage Carts: Single-Family Dwellings; Duplexes;  
250 Triplexes; Quadraplexes; and Mobile Homes.

251 Residential Service Fee shall mean the fee assessed on each Residential Service  
252 Unit for collection, transportation, and disposal or processing of Residential Municipal  
253 Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard  
254 Trimmings, or other waste.

255 Residential Solid Waste Collection and Disposal shall mean the performance of all  
256 requirements of the Solid Waste Collection and Disposal Ordinance and other applicable

257 laws related to Residential Solid Waste, Residential Recovered Materials, Bulk Waste,  
258 White Goods, and/or Yard Trimmings, as well as incidental administrative tasks related  
259 to the performance of those requirements.

260 Selected RSP shall mean a Residential Service Provider, as that term is defined  
261 herein, operating within the City pursuant to a service agreement with the City.

262 Single-Family Dwelling shall mean a building designed exclusively for residential  
263 occupancy by one (1) family.

264 Small Bulk Items shall mean discarded whole items such as small appliances,  
265 small furniture, and small electronic equipment under three (3) feet in any dimension and  
266 not greater than fifty (50) pounds in weight.

267 Solid Waste shall mean any garbage or refuse; sludge from a wastewater  
268 treatment plant, water supply treatment plant, or air pollution control facility; and other  
269 discarded material including solid, liquid, semisolid, or contained gaseous material  
270 resulting from industrial, commercial, mining, and agricultural operations and from  
271 community activities, but does not include Unacceptable Waste; recovered materials;  
272 solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation  
273 return flows or industrial discharges that are point sources subject to permit under 33  
274 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the  
275 federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

276 Solid Waste Handling shall mean the storage, Collection, transportation,  
277 treatment, utilization, processing, or Disposal of Solid Waste or any combination of such  
278 activities.

279 Solid Waste Handling Facility shall mean any facility the primary purpose of which  
280 is the storage, Collection, transportation, treatment, utilization, processing, or Disposal,  
281 or any combination thereof, of Solid Waste.

282 Source Separated shall mean Recovered Materials that have been segregated  
283 from Solid Waste by or for the generator thereof, on the premises at which they were

284 generated, for handling different from that of Solid Waste. This does not require that  
285 different types of recyclable commodities be separated from each other.

286 Special Services shall mean Non-Curbside Collection Service, Elective Services,  
287 and City-sponsored events such as special neighborhood clean-up days that produce  
288 amounts of Residential Municipal Solid Waste, Residential Recovered Materials, Yard  
289 Trimmings, Bulk Waste, and/or White Goods.

290 Transfer Station shall mean a facility, permitted by applicable law, used to transfer  
291 Solid Waste from one Collection vehicle to another for transportation to a Disposal Facility  
292 or Processing Facility.

293 Treated Wood shall mean wood that has been treated or preserved with chromated  
294 copper arsenate (CCA), pentachlorophenol, or other chemicals which have been  
295 classified as known human carcinogens by the United States Environmental Protection  
296 Agency.

297 Triplex shall mean a building designed exclusively for residential occupancy by  
298 three (3) families.

299 Unacceptable Waste shall mean Hazardous Waste, Biomedical Waste, tires,  
300 paints, paint solvents, Treated Wood, un-emptied aerosol cans, compressed gas  
301 cylinders, large engine parts, small engines containing oils or fuels, chemicals, large glass  
302 panes, large tree debris, stumps, ammunition of any type, dead animals larger than ten  
303 (10) pounds, firearms, and any and all waste of which the acceptance and handling by a  
304 Residential Services Provider or Commercial Service Provider would cause a violation of  
305 any permit condition, legal or regulatory requirement, substantial damage to the Service  
306 Providers equipment or facilities, or present a substantial danger to the health or safety  
307 of the public or the Service Provider's employees.

308 White Goods shall mean household appliances such as refrigerators, stoves,  
309 washers, dryers, water heaters, and other large enameled appliances, which do not  
310 contain polychlorinated biphenyls (PCB) or chlorofluorocarbon refrigerant (CFC) and  
311 have been officially certified to that effect, and in the case of refrigerators and freezers,



312 which have had the doors removed.

313 Yard Trimmings shall mean leaves, brush, grass clippings, shrub, and tree  
314 pruning's, discarded Christmas trees, nursery and greenhouse vegetative residuals, and  
315 vegetative matter resulting from landscaping development and maintenance other than  
316 mining, agricultural, and silvicultural operations. The term does not include stumps, roots,  
317 shrubs with intact root balls, and specifically excludes all Treated Wood.

318 The definitions provided in O.C.G.A. § 12-8-22 and DNR Rule 391-3-4.01 which  
319 are not defined in this section are hereby incorporated into this Ordinance. The definitions  
320 provided in O.C.G.A. § 12-8-22 shall control to the extent they are in conflict with DNR  
321 Rule 391-3-4.01.

322 **Sec. 6-2003: Exemptions.**

323 a) This Ordinance shall not apply to a Person, firm, corporation, or entity disposing  
324 of livestock feeding facility waste from facilities with a total capacity of up to  
325 1,000 cattle or 5,000 swine. If such individual, corporation, partnership, or  
326 cooperative shall provide an approved waste disposal system which is capable  
327 of properly disposing of the runoff from a ten-year storm, such individual,  
328 corporation, partnership or cooperative shall be further exempt regardless of  
329 total per head capacity.

330 b) Nothing in this Ordinance shall limit the right of any person to use poultry or  
331 other animal manure for fertilizer.

332 c) Provisions of this Ordinance shall not apply to any Person not collecting and  
333 disposing of Municipal Solid Waste, Commercial Solid Waste, C&D Waste,  
334 scrap tires or Industrial Waste for a fee, but who is a holder of a valid solid  
335 waste handling permit from the Director of the Environmental Protection  
336 Division of the Georgia Department of Natural Resources pursuant to Georgia  
337 Department of Natural Resources, Environmental Protection Rules 391-3-4-.02  
338 and 391-3-4-.06 for disposal or onsite burial. Such disposal shall be governed  
339 by State Environmental Protection Division regulations and by the

340 requirements of the current City development zoning regulations.

341 d) Composting by Owners of Residential Service Units is expressly permitted.

342 e) Dead animals, Biomedical Waste, Industrial Waste, and/or Hazardous Waste  
343 shall be disposed of pursuant to state law.

344 **Sec. 6-2004- Prohibited acts.**

345 a) No Person, Service Provider, firm, corporation, or other entity shall violate the  
346 requirements set forth in this Ordinance.

347 b) No Residential Service Provider or Commercial Service Provider shall collect  
348 solid waste in a manner which will be conducive to insect and rodent infestation  
349 or the harboring and feeding of wild dogs or other animals; impair the air quality;  
350 impair the quality of the ground or surface waters; impair the quality of the  
351 environment; or likely create other hazards to the public health, safety, or well-  
352 being as defined by Georgia Department of Natural Resources, Environmental  
353 Protection Rule 391-3-4-04.

354 c) No Residential Service Provider or Commercial Service Provider shall collect  
355 Solid Waste until all insurance requirements contained in this Ordinance have  
356 been complied with and until certification from the carrier of such compliance  
357 satisfactory to the City as to form and content has been filed with the City.

358 d) No Solid Waste may be disposed of by any Person in an open dump, nor may  
359 any Person cause, suffer, allow or permit open dumping on his property as  
360 defined by Georgia Department of Natural Resources, Environmental  
361 Protection Rule 391-3-4-04.

362 e) It shall be a violation of this Ordinance to place or cause to be placed for  
363 collection by a Residential Service Provider or Commercial Service Provider  
364 any acid, explosive material, inflammable liquids or dangerous or corrosive  
365 material of any kind.

366 f) No person other than the owner thereof shall interfere with any container placed  
367 for the purpose of storing solid waste pending collection, or remove or take any  
368 of the contents thereof, or remove any container from the location where the  
369 container has been placed by the owner thereof.

370 **Sec. 6-2005: Penalties.**

371 Any person violating any provision of this Ordinance may, upon conviction be  
372 punished by a fine not to exceed \$1,000.00 for each offense and/or incarceration or  
373 community service not to exceed 60 days. Each day a violation of this Ordinance  
374 continues shall be considered a separate and distinct offense.

375 **Sec. 6-2006: Violations and Enforcement.**

376 a) This Ordinance shall be enforced by City code enforcement officials, the City  
377 Manager, or his designee. Enforcement authority shall include the power to  
378 determine compliance with this Ordinance, to investigate complaints of  
379 violations of this Ordinance, and to pursue violations in any court of competent  
380 jurisdiction.

381 b) The provisions of this Ordinance regarding the disposal or onsite burial of solid  
382 waste may be enforced by the Georgia Department of Natural Resources,  
383 Environmental Protection Division.

384 c) Nothing in this Ordinance shall affect the ability of the City to pursue any  
385 remedies against a Residential, Commercial, or C&D Waste Service Provider  
386 available under local, state, or federal law.

387 d) Nothing in this Ordinance shall affect the ability of the City to pursue the  
388 remedies available to it by virtue of its police powers.

389 **Sec. 6-2007: Disposal facility fee.**

390 A surcharge fee of \$1.00 per ton of Residential Municipal Solid Waste or  
391 Commercial Solid Waste received, collected, handled or disposed of at any private

392 Municipal Solid Waste Disposal Facility located within the City is hereby imposed upon  
393 the operator(s) of said facilities in accordance with O.C.G.A. § 12-8-39(d) and shall be  
394 paid to the City on or before December 31<sup>st</sup> of each year.

395 **Sec. 6-2008: Residential Municipal Solid Waste and Recovered Materials, generally.**

396 a) All Residential Municipal Solid Waste and Residential Recovered Materials  
397 from Residential Service Units shall be collected by a Residential Service  
398 Provider within the City pursuant to a service agreement with the City  
399 (“Selected RSP”).

400 b) Each Owner of a Residential Service Unit shall:

401 1. Dispose of Waste with Selected RSP. Each Owner of a Residential Service  
402 Unit shall dispose of Residential Municipal Solid Waste, Residential  
403 Recovered Materials, White Goods, Bulk Waste and/or Yard Trimmings  
404 only with the Selected RSP.

405 2. Bulk Waste and White Goods Collection. It shall be the responsibility of  
406 the Owner of a Residential Service Unit to ensure that prior to collection  
407 and disposal, White Goods are empty of all foods and liquids, and that  
408 any CFCs and PCBs have been evacuated and captured by a certified  
409 technician in accordance with law, and the doors have been removed from  
410 freezers and refrigerators.

411 3. Residential Recovered Materials Collection. The Owner of the Residential  
412 Service Unit shall contact the Selected RSP directly to request Residential  
413 Recovered Materials Collection Service and shall be required to timely  
414 place such Residential Recovered Materials at the Residential  
415 Designated Collection Location for collection by the Selected RSP.

416 4. Yard Trimmings Collection. Yard Trimmings shall be placed in reusable  
417 non-disposable rigid containers or compostable brown paper bags and  
418 deposited at a curbside location adjacent to the originating property, but

419 in no case shall they be placed in such a position as to obstruct the  
420 sidewalks, the gutter, or the free movement of traffic. All branches, limbs,  
421 and shrubbery shall be cut in lengths of six feet or less, and no single  
422 piece shall exceed four inches in diameter and weigh no more than 100  
423 pounds.

424 i. Yard Trimmings may be composted by the Owner of a Residential  
425 Service Unit on the Owner's property in accordance with the laws  
426 and regulations of the State of Georgia.

427 ii. This Ordinance shall not prohibit an Owner of a Residential Service  
428 Unit from Disposing of Yard Trimmings through a third party that  
429 generated the Yard Trimmings as a result of its activities at the  
430 Owners Residential Service Unit.

431 5. Collection Hours. Each Owner of a Residential Service Unit shall be  
432 required to place the Residential Municipal Solid Waste Storage Cart, Bulk  
433 Waste, White Goods, and Residential Recovery Materials Storage Bin at  
434 the Residential Designated Collection Location, for collection by the  
435 authorized Residential Service Provider, no earlier than 3:30 p.m. on the  
436 day prior to the day scheduled for collection. Each Owner of a Residential  
437 Service Unit shall remove the Residential Municipal Solid Waste Storage  
438 Cart and the Residential Recovered Materials Storage Bin, if applicable,  
439 no later than the next day following the collection day.

440 i. At the point in time when the Owner of the Residential Service Unit  
441 places Residential Municipal Solid Waste or Residential  
442 Recovered Materials at the Residential Designated Collection  
443 Location, ownership of the Residential Municipal Solid Waste and  
444 Residential Recovered Materials transfers from the Owner of the  
445 Residential Service Unit to the Selected RSP, except that  
446 ownership of Unacceptable Waste shall not transfer to the Selected  
447 RSP.

448 6. Elective Services. Each Owner of a Residential Service Unit shall be  
449 authorized to contract privately with a Selected RSP that has been issued  
450 the service agreement by the City for Elective Services for an additional  
451 fee to be billed by the Selected RSP directly to the Owner.

452 7. Excessive Accumulation of Residential Municipal Solid Waste. Each  
453 owner of a Residential Service Unit shall prevent the continued,  
454 excessive, and unsightly accumulation of Residential Municipal Solid  
455 Waste, Residential Recovered Materials, White Goods, Bulk Items and/or  
456 Yard Trimmings upon Owner's property or the public thoroughfares  
457 bounding upon Owner's property.

458 c) Residential Service Fee

459 1. Each Owner of a Residential Service Unit shall be required to pay a  
460 Residential Service Fee to the City to cover all the necessary fees in the  
461 administration and implementation of this Ordinance. The City Council  
462 shall establish the fees for Residential Solid Waste Collection and  
463 Disposal Services and Residential Recovered Materials Collection for  
464 scheduled and unscheduled collection and disposal services.

465 2. The Residential Service Fee shall be subject to appropriate annual  
466 adjustments, as determined by the City and as provided in the service  
467 agreement between the City and the Selected RSP(s).

468 3. The Residential Service Fee shall be collected by the City through the ad  
469 valorem tax statement for each Residential Service Unit in the City but may  
470 be collected by the City through alternate lawful means as determined  
471 necessary by the City Council. The City shall include the applicable  
472 Residential Service Fee on the ad valorem tax statement for each  
473 Residential Service Unit in the City for a twelve (12)-month service period,  
474 where collected through ad valorem taxation.

475 d) Disabled Persons

- 476 a. Any Disabled Person shall be provided Non-curbside Collection of  
477 Residential Municipal Solid Waste, Residential Recovered Materials,  
478 Residential Bulky Waste, White Goods, and/or Yard Trimmings provided  
479 that the Disabled Person performs the following:
- 480 i. Obtains a physician's certificate certifying such disability; and
- 481 ii. Provides the physician's certificate to the Selected RSP serving such  
482 Person's Residential Service Unit with a copy to the City.
- 483 b. Non-curbside Collection is available only if all adult persons residing in the  
484 Residential Service Unit are also disabled and also obtain physician's  
485 certificates certifying such disability.
- 486 c. This section also applies to temporary disability not to exceed ninety (90)  
487 days.
- 488 d. Selected RSP(s) may make reasonable rules for the Non-curbside  
489 Collection of Residential Municipal Solid Waste, Residential Recovered  
490 Materials, Residential Bulky Waste, White Goods, and/or Yard Trimmings  
491 from Disabled Persons who qualify under this Ordinance for such service.
- 492 e) No Owner of a Residential Service Unit shall violate the requirements set forth  
493 in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

494 **Sec. 6-2009: Residential Service Providers.**

- 495 a.) All Residential Municipal Solid Waste, Residential Recovered Materials, Bulk  
496 Waste, White Goods, and/or Yard Trimmings collected through Residential Solid  
497 Waste Collection and Disposal, shall be collected and disposed or processed by  
498 the Residential Service Provider selected by and having a service agreement with  
499 the City to provide those services ("Selected RSP"). It shall be a violation of this  
500 Ordinance for any waste service provider except a Selected RSP to provide  
501 Residential Solid Waste Collection and Disposal to any Residential Service Unit in  
502 the City.

503 b.) The Selected RSP shall:

504 1. Enter into Agreement with City. The Selected RSP(s) shall enter into a  
505 service agreement for Residential Solid Waste Collection and Disposal with  
506 the City to provide such service in the City. As used in this Ordinance, this  
507 agreement may be generally referred to as an "agreement", "service  
508 agreement" or "residential service agreement." The Selected RSP(s) shall  
509 meet the minimum requirements required by the service agreement and this  
510 Ordinance.

511 2. Provide Weekly Service. The Selected RSP(s) shall provide weekly  
512 Curbside Collection services.

513 3. Yard Trimmings, Bulk Waste and White Goods Collection. The Selected  
514 RSP(s), at no additional charge, shall provide weekly collection of Yard  
515 Trimmings, Bulk Waste and White Goods to Residential Service Units.

516 4. Residential Recovered Materials Collection. The Selected RSP(s), at no  
517 additional charge, shall provide weekly collection and processing of  
518 Residential Recovered Materials (i.e. recyclable materials) to Residential  
519 Service Units. Residential Recovered Materials to be collected shall include  
520 the Residential Recovered Materials listed in Appendix I to this Ordinance.

521 5. Oil Collection Services. The Selected RSP(s), at no additional charge, shall  
522 offer oil disposal services.

523 6. Collection Hours. Except as otherwise allowed by the City, the Selected  
524 RSP(s) shall perform all collection of Solid Waste between the hours of 7:00  
525 a.m. and 7:00 p.m. Monday through Friday, or Monday through Saturday  
526 during a Holiday week. The Selected RSP(s) shall not be required to  
527 perform collection services or maintain office hours on designated Holidays.

528 i. At the point in time when the Owner of the Residential Service  
529 Unit places Residential Municipal Solid Waste or Residential  
530 Recovered Materials at the Residential Designated Collection  
531 Location, ownership of the Residential Municipal Solid Waste



532 and Residential Recovered Materials transfers from the Owner  
533 of the Residential Service Unit to the Selected RSP, except that  
534 ownership of Unacceptable Waste shall not transfer to the  
535 Selected RSP.

536 7. Reports. Provide reports to the City as required by the service agreement  
537 and/or this Ordinance.

538 8. Reporting Requirements. The Selected RSP(s) will provide the City with a  
539 monthly tonnage report that is to be delivered to the City's designated  
540 representative within ten days of the end of the month for which the data  
541 was collected. The Selected RSP(s) will maintain for a period of five (5)  
542 years, copies of weight tickets which are to be made available for City  
543 inspection. The Selected RSP(s) will also be responsible for maintaining  
544 and submitting reports on an ad hoc, monthly, and annual basis.

545 i. Monthly reports of the Selected RSP(s) to the City shall include  
546 the following the following information:

547 1. A cover letter that abstracts the report and highlights major  
548 accomplishments, problems, trends, and other pertinent  
549 information for the associated month;

550  
551 2. Complaints/resolution summary for the associated month;

552  
553 3. Daily route sheet with attached disposal site weight ticket for  
554 the associated month;

555  
556 4. Recycling station participation for the associated month;

557  
558 5. Tonnage figures showing total waste tonnage collected by  
559 service type;

560  
561 6. Tonnage figures showing Residential Recovered Materials  
562 collected, and proof of recycling in the form of manifest, bills

563 of sale, or records showing adequate proof of movement of  
564 the material to a recognized recycling facility.

565  
566 7. If requested by the City, proof of disposal of Residential  
567 Municipal Solid Waste at state-approved disposal facilities  
568 and the name of each such facility. The Selected RSP(s) shall  
569 maintain at its place of business books and records showing  
570 the names and addresses of all Owners of Residential  
571 Service Units to whom Residential Municipal Solid Waste and  
572 Residential Recovered Materials services have been  
573 provided. The Selected RSP(s) shall submit, upon  
574 reasonable request of the City, to a financial audit by a  
575 certified public accountant or auditor employed by the City.  
576 Financial information of the Selected RSP(s) shall be treated  
577 as confidential by the City. The City may request other  
578 information from the Selected RSP(s), if necessary, to comply  
579 with State solid waste reporting requirements.

580  
581 ii. Ad Hoc reports shall include the following information for each  
582 collection service (refuse, recycling, and yard trimmings).

- 583  
584 1. Complaints/Resolution summary.  
585  
586 2. Daily route sheet with attached disposal site weight ticket.  
587  
588 3. Recycling participation.  
589  
590 4. Route operational data form.  
591  
592 5. Vehicle identification number.  
593  
594 6. Daily staffing summary (including substitutions).  
595  
596 7. Landfill tickets.

597  
598 8. Disposed tonnage of refuse and recyclables, itemized on a  
599 per-day basis.

600  
601 iii. The annual report should be submitted to the City no later than  
602 thirty (30) days following every twelve (12) month period of the  
603 contract and shall include a compilation of the monthly reports  
604 for the associated year.

605  
606 c.) Any Person, firm, corporation or other entity providing Residential Solid Waste  
607 Collection and Disposal Services in the City as of the effective date of this  
608 Ordinance is prohibited from charging a fee or assessment to a Residential Service  
609 Unit for retrieval or recovery of a solid waste collection cart or bin or other fee or  
610 assessment in the event that the Person, firm, corporation or other entity must  
611 cease providing Residential Solid Waste Collection and Disposal Services as a  
612 result of this Ordinance.

613 d.) No Residential Service Provider shall violate the requirements applicable to  
614 Residential Service Providers set forth in this Ordinance. Violations may be  
615 punished pursuant to Sec. 6-2005.

616 **Sec. 6-2010: Commercial Solid Waste and Commercial Recovered Materials,**  
617 **generally.**

618 a.) All Commercial Establishments, businesses, and industries having Commercial  
619 Solid Waste and/or Commercial Recovered Materials must obtain Commercial  
620 Solid Waste Collection and Disposal services of a Commercial Services Provider  
621 licensed to conduct business in the City and shall pay for the services.

622 b.) All Commercial Establishments, businesses, and industries having scrap tires  
623 must obtain disposal services of such scrap tire from a Commercial Services  
624 Provider licensed to conduct business in the City and shall pay for the service.

625 c.) Yard Trimmings.

- 626 1. The Owner of a Commercial Establishment may contract privately with a  
627 Commercial Service Provider to collect and dispose of Yard Trimmings.
- 628 2. All Yard Trimmings shall be segregated from Commercial Solid Waste and  
629 Commercial Recovered Materials.
- 630 3. Yard Trimmings shall be placed in sturdy paper bags suitable for containing  
631 Yard Trimmings, excluding plastic bags, or shall be bundled for collection  
632 and disposal or processing.
- 633 4. This Ordinance shall not prohibit an Owner of a Commercial Establishment  
634 from disposing of Yard Trimmings through a third party that generated the  
635 Yard Trimmings as a result of the third party's activities at the Commercial  
636 Establishment.
- 637 d.) No Owner of a Commercial Establishment, Person, firm, corporation, or other  
638 entity having solid waste shall violate the requirements applicable to Commercial  
639 Service Providers set forth in this Ordinance. Violations may be punished pursuant  
640 to Sec. 6-2005.
- 641 e.) This Section shall not displace a contract currently in existence and effect as of the  
642 passage of this Ordinance between a Commercial Services Provider and a  
643 Commercial Establishment within the City pursuant to O.C.G.A. § 36-80-22 or any  
644 other applicable Georgia law.

645 **Sec. 6-2011: Commercial Service Providers.**

- 646 a) Authorization. A Person, firm, corporation, or other entity shall be a Commercial  
647 Service Provider upon the City's approval of such Person, firm, corporation, or  
648 other entity's proposal for authorization to provide Solid Waste Collection and  
649 Disposal services in the City.
- 650
- 651 1. A Person, firm, corporation, or other entity's proposal for authorization shall  
652 be submitted to the City in a form prescribed by the City's request for  
653 proposals.

- 654 2. The City shall only approve proposals found to be in the City’s best interest  
655 which demonstrate compliance with the minimum requirements of this  
656 Ordinance and any requirements included in the City’s request for  
657 proposals.
- 658 3. Authorization to provide Commercial Solid Waste Collection and Disposal  
659 services shall be granted for a period of up to one (1) calendar year.
- 660 4. Authorization to provide Commercial Solid Waste Collection and Disposal  
661 services constitutes the right to collect Commercial Solid Waste within the  
662 City. Multiple companies may be so authorized provided the requirements  
663 of this Ordinance are met.
- 664 5. Authorization to provide Commercial Solid Waste Collection and Disposal  
665 service in the City is nontransferable.
- 666 6. Upon authorization, the Commercial Service Provider shall maintain at its  
667 place of business books and records showing the Owners, business name  
668 and address of each Commercial Establishment that the Commercial  
669 Service Provider has contracted with for Commercial Solid Waste Collection  
670 and Disposal Services, including the street address for each property  
671 served. The Commercial Service Provider shall, upon request by the City,  
672 make such books and records available for inspection and/or submit to a  
673 financial audit by a certified public accountant or auditor employed by the  
674 City.
- 675 b) Regulatory Fee. Each Commercial Services Provider shall be required to pay  
676 a regulatory fee to the City to cover all the necessary fees in the  
677 administration and implementation of this Ordinance and state law. The City  
678 Council shall establish and amend the fees for regulatory fee by resolution  
679 and shall be subject to appropriate annual adjustments, as determined by the  
680 City. The regulatory fee shall be due and payable to the City at the time of  
681 submission of the reports described in this Section.
- 682 c) Reporting Requirements. Within thirty (30) days following the close of each

683 calendar quarter ending March 31, June 30, September 30, and December 31  
684 of each year of operation, each Commercial Service Provider authorized to  
685 provide Solid Waste Collection and Disposal service in the City shall submit to  
686 the City reports of Commercial Solid Waste Collection and Disposal services  
687 showing the following:

688 1. Gross collection revenues and average number of customers during  
689 quarter by service type.

690 2. Tonnage figures showing total waste tonnage collected by service type.

691 3. Tonnage figures showing total Recovered Materials collected by type,  
692 and proof of recycling in the form of manifests, bills of sale, or other  
693 records showing adequate proof of delivery of the material to a  
694 recognized recycling facility.

695 4. Proof of disposal of non-recovered materials at state approved disposal  
696 facilities and name of each such facility

697 5. Such other information as required by the City in the City's discretion.

698 d) No Commercial Service Provider shall violate the requirements applicable to  
699 Commercial Service Providers set forth in this Ordinance. Violations may be  
700 punished pursuant to Sec. 6-2005.

701 e) This Section shall not displace a contract currently in existence and effect as  
702 of the passage of this Ordinance between a Commercial Services Provider and  
703 a Commercial Establishment within the City pursuant to O.C.G.A. § 36-80-22  
704 or any other applicable Georgia law.

705 **Sec. 6-2012: Construction and Demolition (C&D) Waste, generally.**

706 a.) C&D Waste shall be segregated from Residential Municipal Solid Waste and  
707 Commercial Solid Waste.

708 b.) All Residential Service Units and Commercial Establishments, businesses, and  
709 industries having C&D Waste shall obtain C&D Waste Collection and Disposal  
710 services of a C&D Waste Services Provider licensed to conduct business in the  
711 City, and shall pay for the services.

712 c.) A Residential Service Provider may collect and dispose of C&D Waste provided  
713 that the Residential Service Provider is authorized as a C&D Waste Service  
714 Provider pursuant to this Ordinance. A Commercial Service Provider may collect  
715 and dispose of C&D Waste provided that the Commercial Service Provider is  
716 authorized as a C&D Waste Service Provider pursuant to this Ordinance.

717 d.) Neither the City Public Works Department nor the Department of Health and  
718 Wellness shall be responsible for collecting, hauling, or disposing of C&D Waste  
719 originating from private property preliminary to, during, or prior to the construction  
720 of new, remodeled, or renovated structures. The owner, lessee, tenant, or  
721 occupant of the property shall cause for the removal of such items.

722 e.) The City, through the City Building Inspector or his or her designee, shall not issue  
723 a certificate of occupancy for multifamily, commercial, or industrial developments  
724 until all C&D Waste is removed by the owner or contractor.

725 f.) No Person, firm, corporation, or other entity having C&D Waste shall violate the  
726 requirements applicable to C&D Waste Service Providers set forth in this  
727 Ordinance. Violations may be punished pursuant to Sec. 6-2005 in addition to any  
728 penalty provided in this Section.

729 **Sec. 6-2013: C&D Waste Service Providers.**

730 a) Authorization. A Person, firm, corporation, or other entity shall be a C&D Waste  
731 Service Provider upon the City's approval of the Person, firm, corporation, or  
732 other entity's proposal for authorization to provide C&D Waste services in the  
733 City.  
734

735 1. A Person, corporation, firm, or other entity's proposal for authorization  
736 shall be submitted to the City in a form prescribed by the City's request

- 737 for proposals.
- 738 2. The City shall only approve proposals demonstrating compliance with  
739 the minimum requirements of this Ordinance and any requirements  
740 included in the City's formal request for proposals.
- 741 3. Authorization to provide C&D Waste Collection and Disposal services  
742 shall be granted for a period of one calendar year from January 1 to  
743 December 31.
- 744 4. Nothing in this Ordinance shall limit the number of C&D Waste Service  
745 Providers within the City.
- 746 5. Authorization to provide C&D Waste Collection and Disposal services  
747 constitutes the right to collect C&D waste within the City. Multiple  
748 companies may be so authorized provided the requirements of this  
749 Ordinance are met.
- 750 6. Authorization to provide C&D Waste Collection and Disposal service in  
751 the City is nontransferable.
- 752 7. Upon authorization, the C&D Waste Service Provider shall maintain at  
753 its place of business books and records showing the Owner, business  
754 name, and address of each Commercial Establishment and/or the  
755 Owner and address of each Residential Service Unit that the C&D  
756 Waste Service Provider has privately contracted with for C&D Waste  
757 Collection and Disposal services, including the street address for each  
758 property served. The Commercial Service Provider shall, upon request  
759 by the City, make such books and records available to the City for  
760 inspection and/or submit to a financial audit by a certified public  
761 accountant or auditor employed by the City.
- 762 b) Regulatory Fee. Each C&D Waste Service Provider shall be required to pay  
763 a regulatory fee to the City to cover all the necessary fees in the administration



764 and implementation of this Ordinance and state law. The City Council shall  
765 establish and amend the fees for regulatory fee by resolution and shall be  
766 subject to appropriate annual adjustments, as determined by the City. The  
767 regulatory fee shall be due and payable to the City at the time of submission  
768 of the reports described in this Section.

769 c) Reporting Requirements. Within thirty (30) days following the close of each  
770 calendar quarter ending March 31, June 30, September 30, and December 31  
771 of each year of operation, each C&D Waste Service Provider authorized to  
772 provide C&D Waste Collection and Disposal service in the City shall submit to  
773 the City reports, showing the following:

- 774 1. Gross collection revenues and average number of customers during  
775 quarter by service type.
- 776 2. Tonnage figures showing total waste tonnage collected by service type.
- 777 3. Such other information as required by the City in the City's discretion.

778 d) No C&D Waste Service Provider shall violate the requirements set forth in this  
779 Ordinance. Violations may be punished pursuant to Sec. 6-2005.

780 **Sec. 6-2014: Minimum requirements for all service providers operating in City.**

781  
782 a.) All Commercial, Residential, and C&D Waste Service Providers and their  
783 subcontractors shall, at all times:

- 784 1. Satisfy all requirements and qualifications imposed by the City, any service  
785 agreement, and this Ordinance.
- 786 2. Comply with the Occupational Safety and Health Act of 1970 ("OSHA"), and  
787 any other applicable laws.
- 788 3. Be able to provide, at the City's request, a notarized statement certifying  
789 that all drivers have a current commercial driver's license (CDL) and all  
790 trucks are registered with the Georgia Department of Transportation.

- 791 4. Apply all usual and customary risk management practices accepted by the  
792 Waste Service Providers industry.
- 793 5. Have a current solid waste handling permit from the Director of the  
794 Environmental Protection Division of the Georgia Department of Natural  
795 Resources or any successor agency authorized to issue permits pursuant  
796 to O.C.G.A. § 12-8-24.
- 797 6. The City may require a Performance Bond or Irrevocable, Direct Pay Letter  
798 of Credit to be approved by the City conditioned upon the true and faithful  
799 performance of the service agreement in an amount satisfactory to the City.  
800 The City may draw on the Service Provider's Performance Bond or Letter  
801 of Credit as necessary for such new Service Provider and services.
- 802 7. Maintain, at its own expense, appropriate and adequate insurance policies  
803 generally as follows:
- 804 i. Statutory workers' compensation insurance:
- 805 1. \$1,000,000 each Bodily Injury by Accident.
- 806 2. \$1,000,000 policy limit Bodily Injury by Disease.
- 807 3. \$1,000,000 each occurrence Bodily Injury by Disease.
- 808 ii. Commercial general liability insurance:
- 809 1. \$2,500,000 limit of liability per occurrence for bodily injury and  
810 property damage.
- 811 2. \$2,500,000 limit of liability per occurrence for personal injury.
- 812 3. The following additional coverage must apply:
- 813 a. Commercial general liability written on an occurrence  
814 form, which includes contractual liability, broad form  
815 property damage, incidental medical malpractice,  
816 severability of interest, and extended bodily injury.

817 i. Additional insured endorsement which includes  
818 ongoing operations and completed operations.

819 iii. Auto liability insurance

820 1. \$3,000,000 limit of liability per occurrence for bodily injury and  
821 property damage.

822 2. Comprehensive form covering all owned, non-owned, leased,  
823 hired, and borrowed vehicles used in providing Collection  
824 Services.

825 3. Coverage for cleanup of pollutants due to an accident,  
826 including MCS-90 endorsement for pollution liability coverage.

827 iv. The City may establish other requirements regarding insurance for  
828 Service Providers operating in the City to the extent it deems  
829 necessary and in the best interests of the public.

830 \*\*\*\*\*

831 **Appendix I**

832 **Residential Recovered Materials**

833

834 1. Aluminum

835 2. Cardboard

836 3. Glass

837 4. Junk mail

838 5. Kraft paper

839 6. Magazines and shopping catalogues

840 7. Mixed paper

- 841 8. Newspaper
- 842 9. Other paper
- 843 10. Paperboard
- 844 11. Plastics #1: Soda and water bottles
- 845 12. Plastics #2: Milk jugs, juice bottles, and yogurt tubs
- 846 13. Plastics #3: Detergent and household cleaner containers, shampoo, and cooking
- 847 14. Plastics #4: Squeezable bottles
- 848 15. Plastics #5: Syrup, ketchup, and medicine bottles, plastic caps, straws, and some
- 849 yogurt containers
- 850 16. Plastics #6: Disposable plates and cups, gg cartons, aspirin bottles, and CD cases
- 851 17. Plastics #7: Three and five-gallon water bottles, certain food containers
- 852 18. Steel

853  
854 \*\*\*\*\*

855 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All  
857 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,  
858 upon their enactment, believed by the City Council to be fully valid, enforceable and  
859 constitutional.

860 (b) To the greatest extent allowed by law, each and every section, paragraph,  
861 sentence, clause, or phrase of this Ordinance is severable from every other section,  
862 paragraph, sentence, clause, or phrase of this Ordinance. No section, paragraph,  
863 sentence, clause, or phrase of this Ordinance is mutually dependent upon any other  
864 section, paragraph, sentence, clause, or phrase of this Resolution.

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

869 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not  
870 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,  
871 clauses, sentences, paragraphs or sections of the Ordinance.

872

873 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly  
874 repealed.

875 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized  
876 to make non-substantive formatting and renumbering edits to this ordinance for proofing,  
877 codification, and supplementation purposes. The final version of all ordinances shall be  
878 filed with the clerk.

879 **Section 5.** The City Police Chief, and/or his designee, in conjunction with the City  
880 Attorney, shall be authorized to make forms for applications and the issuance of permits  
881 consistent with the terms of this Ordinance and as permitted by State law.

882

883 **Section 6.** The effective date of this Ordinance shall be on the date as set forth under  
884 Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or  
885 federal law.

886

887

888 THIS ORDINANCE so adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

889

890 **CITY OF SOUTH FULTON, GEORGIA.**

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895 \_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

896

897 ATTEST:

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901 \_\_\_\_\_  
S. DIANE WHITE, CITY CLERK

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903 APPROVED AS TO FORM:

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EMILIA C. WALKER, CITY ATTORNEY

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The foregoing Ordinance No. 2020-\_\_\_\_\_ was moved for approval by Councilmember \_\_\_\_\_ . The motion was seconded by Councilmember \_\_\_\_\_, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____