City of Eatonton Council Meeting
Agenda
May 3, 2016
Putnam County Commissioners’ Meeting Room, #203
117 Putnam Drive
Eatonton, Georgia 31024
(706) 485-3311

1. 7:00 PM Call to Order

2. Invocation: Councilwoman Alma Stokes

3. Approval of Minutes: Attachment #1

4. Public Comments:
   
   A. Special Presentation by the Ocmulgee Drug Task Force and Police Chief William Kent Lawrence

   Reading of Rules for Public Comments

5. Old Business:
   
   A. Proposed Resolution to Designate a Meeting Place for the May 16, 2016 City Council Meeting Attachment #5A

6. New Business:
   
   A. Discussion and Possible Action on Relocating the Eatonton Main Street Program Office

   B. First Reading of Proposed Article V (Naming or Renaming City-Owned Property or Facility) of Chapter 58 of the Code of Ordinances Attachment 6#B

   C. Proposed Resolution to Amend Article II (Excavations) of Chapter 58 of the Code of Ordinances Attachment #6C
D. Proposed Resolution to Authorize the Mayor to Sign Title VI Assurances and Nondiscrimination Agreement with the Georgia Department of Transportation *Attachment #6D*

Zoning:

7. Committee Reports:

- Finance and Personnel – *Council Member Harvey C. Walker, Jr.*
- Public Utilities – *Council Member Alvin Butts*
- Streets, Buildings and Grounds – *Council Member William C. Mangum*
- Zoning and Ordinances – *Council Member Teresa Doster*
- Environmental – *Council Member Charles R. Haley*
- Community Development – *Council Member Alma Stokes*
- Public Safety – *Council Member James A. Gorley*
- City Administrator – *Gary Sanders*
- City Attorney – *Christopher D. Huskins*
- City Clerk – *Sarah E. Abrams*

8. Executive Session

9. Motion to Adjourn:
City of Eatonton Council Meeting
Monday, April 18, 2016 at 7:00 PM
Putnam County Commissioners’ Meeting Room #203
117 Putnam Drive
Eatonton, Georgia 31024

Elected Officials Present:
Mayor Walter C. Rocker, Jr.
Mayor Pro-Tem Harvey (Chip) Walker, Jr.
Councilman Alvin Butts
Councilwoman Teresa Doster
Councilman James A. Gorley
Councilman Charles R. Haley
Councilman William Mangum, Jr.
Councilwoman Alma Stokes

Elected Officials Absent:

Staff Members Present:
City Administrator, Gary Sanders
City Attorney, Christopher Huskins
City Clerk, Sarah Abrams

Mayor Walter C. Rocker, Jr. called the regular Council meeting to order at 7:00 PM.

Councilman William Mangum gave the invocation.

Motion was made by Haley and seconded by Doster to approve the minutes of the last meeting with any necessary corrections. Motion carried by a unanimous vote of 7-0.

Public Comments: Hazel Waller- Permits

Motion was made by Walker and seconded by Gorley to hear from all who signed in to speak. Motion carried by a unanimous vote of 7-0.

Reading of the Rules for Public Comments: Omitted

Mrs. Hazel Waller talked to Council about the American Legion Post #583 needing a permit to collect donations in the street. Waller advised the American Legion members would like to distribute poppies, and money collected from the poppies would be given
back to help disabled veterans. Waller asked that the American Legion organization be exempted from this fee.

After much discussion, Council decided the Ordinance Committee would review the Parades and Demonstrations Ordinance Section 58-61 through 58-70.

Old Business: None

New Business:

Main Street Report for City Council April 2016

Organization
Eatonton Main Street is designated a Classic Main Street by the Department of Community Affairs.

Eatonton Main Street will be holding a Community Outreach Meeting on Thursday April 21 at the Pex Theater on South Jefferson Ave at 6:30 pm as part of Georgia Cities Week.

The Eatonton Main Street Board discussed the location of the Main Street Office and agreed unanimously that the Office should be relocated to City Hall. The board provided the following reasons:

1. To prevent any discord between the Chamber and Main Street it would be better to move to City Hall.
2. City Hall would be enhanced by having an information kiosk for downtown and the Main Street Manager situated there would provide an opportunity to promote downtown and answer any questions.
3. A Main Street Office in City Hall would mean that the Main Street Office would be on "Main Street."
4. Main Street has a sign ready to go to advertise the Main Street Office.

Promotion
Main Street has been invited to talk to the Pilot Club at their May Meeting about downtown. Main Street will be featured on Z97 on their Winning Wednesday every third week of the month. Main Street is working with the Eatonton Cotton Warehouse regarding events and use of the Stage.

Design
The Design Committee is in the process of revamping the facade grant application to be more concise.
Economic Vitality
Underground Treasures has not decided on an opening date.
The Eatonton Cotton Warehouse has a provisional opening date of June 18.
Eatonton Main Street has received inquiries about 119 S. Jefferson Ave and 126 N Madison Ave. I have put them in touch with the relevant parties. 116 W Marion Street has a prospect for leasing the property.
The Eatonton/Putnam County signs arranged for by the Eatonton Putnam Tourism and Arts Partnership (EPTAHP) are now both up on Highway 441 and Highway 44. Main Street is currently researching lighting options. Main Street has also been researching with EPTAHP future sign positions on Highway 16 from Gray and Highway 441 just north of the Putnam/Baldwin County line.
Eatonton Main Street will be approaching the Eatonton Downtown Development Authority to see if they will approach the owners of the Old Moore Gas Building (119 N. Jefferson Ave) owned by Jeanette Moore and the old Communicomm Building (104 E Marion St) owned by H&H Rentals for purchase. These buildings are just two of a number of properties that are in the Eatonton Main Street area that require redevelopment due to their deteriorating condition.

Summary
Eatonton is continuing to attract business interest. Eatonton Main Street will be promoting all activities in downtown Eatonton during April 17 to April 23 as part of Georgia Cities Week.

Discussion and Possible Action on Pilot Club’s Request for Use of Certain City Streets for Annual Dairy Festival Attachment #6B
Motion was made by Gorley and seconded by Mangum to approve the request made by the Pilot Club of Eatonton to use certain streets for the annual Putnam County Dairy Festival on June 4, 2016. Motion carried by a unanimous vote of 7-0.

Proposed Resolution to Designate a Meeting Place for the May 16, 2016 City Council meeting Pursuant to Section 2-31 of the Code of Ordinances Attachment #6C Motion was made by Doster and seconded by Haley to table. Motion carried by a unanimous vote of 7-0.

Proposed Resolution to Authorize the Mayor to Request Technical Assistance from Middle Georgia Regional Commission to Create a Map-Based Management System for the City Cemeteries Attachment #6D Motion was made by Haley and seconded by Gorley to approve the Proposed Resolution authorizing Mayor Rocker to request technical assistance from the Middle Georgia Regional Commission to create a map-based digital management system for the City cemeteries plots, maps, and/or records. Motion carried by a unanimous vote of 7-0.

Proposed Resolution to Authorize the Disposal of Surplus Property Attachment #6E Motion was made by Walker and seconded by Doster to approve the Proposed Resolution authorizing the disposal of surplus City property according to § 36-37-6 of the Official Code of Georgia. Motion carried by a unanimous vote of 7-0.
(Item Description: 1 1995 Elgin Whirlwind Street Sweeper)
Proposed Resolution to Amend Section 6-5 (Distance Requirements) of the Code of
Ordinances Attachment #6F
Councilwoman Doster advised that State law no longer imposes distance restrictions on
the package sales of beer and wine near churches and she would like to recommend
changing the City ordinance to be in line with the State and County Codes.

Motion was made by Doster and seconded by Mangum to approve the Proposed
Resolution to Amend Alcoholic Beverages: Section 6-5 of the City of Eatonton Code of
Ordinances. The distance requirements on the sale of alcoholic beverage near churches,
school buildings, or other sites shall be governed by the distance requirements set forth in
the Official Code of Georgia Annotated §3-3-21 and authorized Mayor Rocker to sign the
Resolution. Motion carried by a vote of 6 to 1. Councilman James Gorley voted in
opposition to the motion.

Committees Reports
Motion was made by Walker and seconded by Doster to pay the bills if and when funds
become available. Motion carried by a unanimous vote of 7-0.

Councilwoman Stokes asked if the Senior Citizens and the Arts Foundation could make a
monthly or quarterly report such as the report presented by Main Street.

Councilman Gorley advised Police Chief Lawrence held a road block on last Friday night
which was State sponsored. Gorley also advised he served in the military and this is the
most sacrificing thing a person can do for their country and the fee should not be charged
for the Disabled Vets because no law enforcement is involved.

City Administrator’s Report
City Administrator Gary Sanders discussed HB 170 which deals with new impact fees on
all vehicles weighting 15,500 lbs and above. The City must pay fees on vehicles by the
end of May. Governments are not exempted from the fees.

GMA has scheduled budget workshops in the month of May and June. If you would like
to attend let City Hall know.

The Gas Department has installed the gas main in the Sumter Street Station Apartment
complex. There are a total of 63 apartments.

City Attorney Christopher Huskings advised the DDA’s lease agreement with Titan has
been signed and is back from Savannah.

Councilwoman Stokes asked that the Yarbrough’s family be kept in prayer due to a
racing accident.
Mayor Rocker asked if there was any more business to come before the Council; being none, motion was made by Doster and seconded by Walker to adjourn. Motion carried by a unanimous vote of 7-0.

________________________________________________________________________

Walter C. Rocker, Jr., Mayor

ATTEST:

________________________________________________________________________

Sarah E. Abrams, City Clerk
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to designate a meeting place for the May 16, 2016 City Council meeting pursuant to Section 2-31 of the Code of Ordinances and for other purposes.

WHEREAS, the City of Eatonton does, by ordinance, hold regular meetings of the City Council on the first Tuesday and third Monday of each month at 7:00 p.m.; and

WHEREAS, Section 31 of Chapter 2 of the Code of Ordinances authorizes the City Council to hold its regular meetings in the City Hall or other such place as may be designated by the Board of Council; and

WHEREAS, on February 2, 2016, the City Council voted to hold its regular meetings at the Commissioners’ meeting room in the Putnam County administration building at 117 Putnam Drive; and

WHEREAS, a scheduling conflict exists for the use of the Commissioners’ meeting room on May 16, 2016; and

WHEREAS, the City Council desires to hold its May 16, 2016 regular meeting at an alternate venue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE HUT, LOCATED AT 400A WEST MARION STREET, EATONTON, GEORGIA, SHALL BE DESIGNATED AS THE VENUE FOR THE MAY 16, 2016 MEETING OF THE CITY COUNCIL PURSUANT TO SECTION 31 OF CHAPTER 2 OF THE CODE OF ORDINANCES. FOLLOWING SUCH DATE, REGULAR MEETINGS OF THE CITY COUNCIL SHALL RESUME AT THE COMMISSIONERS’ MEETING ROOM AT 117 PUTNAM DRIVE, EATONTON, GEORGIA.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 3rd day of May, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to designate a meeting place for the May 16, 2016 City Council meeting pursuant to Section 2-31 of the Code of Ordinances and for other purposes.

WHEREAS, the City of Eatonton does, by ordinance, hold regular meetings of the City Council on the first Tuesday and third Monday of each month at 7:00 p.m.; and

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WHEREAS, on February 2, 2016, the City Council voted to hold its regular meetings at the Commissioners’ meeting room in the Putnam County administration building at 117 Putnam Drive; and

WHEREAS, a scheduling conflict exists for the use of the Commissioners’ meeting room on May 16, 2016; and

WHEREAS, the City Council desires to hold its May 16, 2016 regular meeting at an alternate venue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE CITY COUNCIL CHAMBERS, LOCATED IN THE CITY HALL AT 201 NORTH JEFFERSON AVENUE, EATONTON, GEORGIA, SHALL BE DESIGNATED AS THE VENUE FOR THE MAY 16, 2016 MEETING OF THE CITY COUNCIL PURSUANT TO SECTION 31 OF CHAPTER 2 OF THE CODE OF ORDINANCES. FOLLOWING SUCH DATE, REGULAR MEETINGS OF THE CITY COUNCIL SHALL RESUME AT THE COMMISSIONERS’ MEETING ROOM AT 117 PUTNAM DRIVE, EATONTON, GEORGIA.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 3rd day of May, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
ARTICLE V. - NAMING OR RENAMING CITY-OWNED PROPERTY OR FACILITY

Sec. 58-201. - Intent and purpose.

The intent and purpose of this article is to establish a uniform process for naming or renaming a city-owned property or facility or renaming a public street.

Sec. 58-202. - Approval of naming or renaming.

(a) Authority. City council shall name or rename a city-owned property or facility or rename a public street by adoption of a resolution.

(b) Naming. City council shall adopt a resolution, at a regular or special council meeting, to designate the name of a city-owned property or facility. The resolution to name a city-owned property or facility does not require a public hearing.

(c) Renaming. Before adopting a resolution to rename a city-owned property or facility or to rename a public street, the city clerk shall place a display advertisement giving notice of the public hearing in the official legal organ at least 14 days prior to the public hearing to be held by city council.

(d) No property rights. No property right is conferred upon any entity, individual, group, or group of individuals or entities as a result of naming or renaming any city-owned property or facility or renaming a public street.

Sec. 58-203. - Public property or facility naming or renaming

(a) Application. An application for naming or renaming a city-owned property or facility shall be submitted to the city clerk on a form provided by the city. The application to name or rename a city-owned property or facility shall include the following:

(1) Name, address, and telephone number of individual(s) making such request.

(2) Biographical information about the person for whom the city-owned property or facility is proposed to be named or renamed.

(3) An explanation, with documentation, as to how the proposed name satisfies the naming or renaming criteria as follows:

   a. Historical, biographical, geographical, or cultural significance of the property or facility.

   b. If the proposed name is that of a well-known individual, family, or group who has made substantial contributions to the community either through civic involvement or monetary donations, a written narrative of such contributions including a description of the involvement by the person in the community and that person's significant connection to the city-owned property or facility.

(4) Letters from appropriate professional organizations or individuals, which provide evidence of substantial local support for the naming or renaming of a city-owned property or facility.

(5) City council shall consider the information provided prior to deciding the appropriateness of the proposed naming or renaming of a city-owned property or facility. City council shall name or rename the property or facility by resolution as provided in section 58-202.
Sec. 58-204. - Public street renaming

(a) Application. An application for renaming a public street shall be submitted to the city clerk on a form provided by the city and shall include the following:

(1) Name, address, and telephone number of individual(s) making such request.
(2) The present official name of street.
(3) The proposed new name of street.
(4) A written petition with printed names and signatures, telephone numbers, and addresses containing at least 80% percent of the abutting property owners consenting to the street name change.
(5) An explanation, with documentation, as to how the proposed name satisfies the naming or renaming criteria as follows:
   a. Historical, biographical, geographical, or cultural significance of the person for whom the street is to be renamed.
   b. If the proposed name is that of a well-known individual, family or group who has made substantial contributions to the community either through civic involvement or monetary donations, a written narrative of such contributions including a description of the involvement by the person in the community.
(6) Written verification from Putnam County 911 that the proposed street name is not a duplicate of an existing street name.
(7) Any letters of support from appropriate professional organizations or individuals which provide evidence of substantial local support for renaming a public street.

(b) Criteria.

(1) The proposed street name shall not be duplicated anywhere in Putnam County.
(2) A public street may only be renamed after a person if such person has achieved prominence as a result of his or her significant, positive contribution to the local community, the State of Georgia, or nationally.
(3) All street name changes shall be for the entire length of the street where the street is continuous.
(4) City council shall consider the information provided by the city administrator prior to deciding the appropriateness of the proposed renaming of a street. City council shall rename the street by resolution as provided in section 58-202.

Sec. 58-205. - Costs of naming or renaming; failure to pay.

Upon approval of a resolution for the naming or renaming of a street, city-owned property, or facility, the applicant(s) shall pay to the city clerk the fee established by the city council to cover the cost and expense to be incurred by such naming or renaming. Such payment shall be deposited into the general fund of the city. If the naming or renaming costs are not paid to the city clerk within 30 calendar days of the date of approval of the resolution, the naming or renaming shall not be effective for any purposes whatsoever and shall be deemed repealed as of the 31st day after initial approval of the resolution.

Sec. 58-206. - Denial of application.
If a proposed naming or renaming is not approved by the city council, no application seeking to rename said street, city-owned property, or facility shall be accepted by the city clerk for a period of six calendar months from the date of the denial of the application.
Resolution to Amend Chapter 58, Article II (Excavations) of the Code of Ordinances

BE IT RESOLVED, that Article II of Chapter 58 of the Code of Ordinances, City of Eatonton, Georgia is amended to read as follows:

Sec. 58-36. - Requirements.

(a) It shall be unlawful for any person, firm, contractor, utility (as defined in section 58-82), or other operator to cut into, dig, trench, ditch, excavate or otherwise deface, cut, grade or alter the grade or surface of any street, pavement, sidewalk, alley or other right-of-way, without first obtaining a permit for that purpose from the board of council or its designated agent.

(b) Permits are issued conditioned upon the permittee's agreement to secure and hold harmless the city and its officers against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council, or any city officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned on the permittee's agreement to fill up, restore, and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the mayor and city council, all openings and excavations made in streets and right of ways, and to maintain any street or right of way where excavation is made in as good condition for the period of 12 months after said work shall have been done, usual wear and tear excepted. Any settlement of the surface within said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee, except that nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the city if such repairs should prove defective. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city's giving written notice to the permittee of such suit or claim, any final judgment against the city requiring it to pay for such damage shall be conclusive upon the permittee.

(c) Permitees shall strictly adhere to all provisions set forth in this article.

(d) No city streets or right of ways will be closed to vehicular or pedestrian traffic without the prior approval of the public works superintendent or city administrator. The permittee shall take appropriate measures to ensure that during the performance of the excavation work, traffic conditions shall be maintained at all times as nearly normal as practicable so as to cause as little inconvenience as possible to the occupants to the abutting property and to the general public. When necessary to restrict the flow of traffic, proper traffic work zone procedures and certified flagmen shall be utilized. Permittee assumes all responsibility for any claims or judgments arising from traffic control operations related to its excavation.
(e) The permittee may be required to place and maintain a temporary surface over openings made in paved traffic lanes and shall be required to exercise special care in making and maintaining such temporary restorations to ensure safe traveling conditions until such time as permanent restorations are made.

Sec. 58-37. - GUPS notification to accompany application for permit.

Any applicant for a permit for work as set forth in section 58-36 shall, before being entitled to the permit, obtain a Georgia Utility Protection Service ticket number so that underground facilities can be properly marked to prevent damage to existing facilities. No permit will be issued without a valid GUPS ticket number. In the event of an emergency situation GUPS will be notified as soon as possible.

Sec. 58-38. - Replacement of surface excavated.

(a) In the event of such cutting or other operation as described in section 58-36, it shall be unlawful for the person, firm, contractor, utility (as defined in section 58-82), or other operator to leave the street, sidewalk, alley or other public way in a state of disrepair, without restoring the area cut or excavated to its condition prior to such work thereon.

(b) In areas where hard surfaces are to be excavated, it shall be neatly and uniformly cut with square edges by machine at each side. All backfill material in excavations shall be compacted in layers not exceeding 12 inches in compacted thickness using pneumatic tampers, vibratory compactors, or other approved means. Asphalt roadway excavations will be resurfaced with a minimum of six inches of compacted crushed rock or gravel and three inches of compacted asphalt topping. At no time shall wet or frozen fill material be used. Seed and straw are required for disturbed non hard surface areas. Existing grassed areas, shoulders, sidewalks, curbing or any other appurtenances, structures, or utilities disturbed or damaged shall be restored to original or better condition as determined by a representative from the department of public works. The permittee shall prosecute with diligence and expediency all excavation work covered by the excavation permit and shall promptly complete such work and restore the excavation site as soon as practicable and in any event not later than 30 days upon completion of required work in the excavation site.

(c) If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the mayor and city council shall have the right to do all work and things necessary to restore the excavation site and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25 percent of such cost, in addition, for general overhead and administrative expenses. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for one year after restoring it to its original condition.

(d) In the event of any emergency in which a sewer, main, conduit, or utility in or under any street breaks, bursts, or otherwise is in such condition as to immediately
endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main, conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of the property, life, health, and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which City Hall is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit as herein provided.

(e) The public works superintendent and city administrator shall be authorized to make such inspections as are reasonably necessary in the enforcement of the provisions of this article and shall have the authority to promulgate and cause to be enforced such rules and regulations as may be required to enforce and carry out the intent of this article.

(f) The provisions of this section shall not be applicable to any excavation work carried out under the direction of competent city authorities by employees of the city or contractors hired by the city.

Sec. 58-39. - Penalty for violations.

Any person, firm, contractor, utility (as defined in section 58-82), operator or other person who shall fail to comply with sections 58-36 through 58-38, or who shall violate any provision of sections 58-36 through 58-38, shall be punished, upon conviction, as provided for in section 1-12. In addition, it shall be required to repair any damage done to the streets, sidewalks or other public ways, or to reimburse the city for the cost of such repair plus 25 percent for general overhead and administrative expenses.

Secs. 58-40—58-60. - Reserved.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 3rd day of May, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
CHAPTER 58
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE II. - EXCAVATIONS

Sec. 58-36. - Permit; notice Requirements.

(a) It shall be unlawful for any person, firm, contractor, utility (as defined in section 58-82), or other operator to cut into, dig, trench, ditch, excavate or otherwise deface, cut, grade or alter the grade or surface of any street, pavement, sidewalk, alley or other right-of-way, without first obtaining a permit for that purpose from the board of council or its designated agent, and without giving notice of the time such work shall commence to the heads of the streets and utilities departments.

(b) Permits are issued conditioned upon the permittee's agreement to secure and hold harmless the city and its officers against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council, or any city officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned on the permittee's agreement to fill up, restore, and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the mayor and city council, all openings and excavations made in streets and right of ways, and to maintain any street or right of way where excavation is made in as good condition for the period of 12 months after said work shall have been done, usual wear and tear excepted. Any settlement of the surface within said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee, except that nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the city if such repairs should prove defective. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city's giving written notice to the permittee of such suit or claim, any final judgment against the city requiring it to pay for such damage shall be conclusive upon the permittee.

(c) Permittees shall strictly adhere to all provisions set forth in this article.

(d) No city streets or right of ways will be closed to vehicular or pedestrian traffic without the prior approval of the public works superintendent or city administrator. The permittee shall take appropriate measures to ensure that during the performance of the excavation work, traffic conditions shall be maintained at all times as nearly normal as practicable so as to cause as little inconvenience as possible to the occupants to the abutting property and to the general public. When necessary to restrict the flow of traffic, proper traffic work zone procedures and certified flagmen shall be utilized. Permittee assumes all responsibility for any claims or judgments arising from traffic control operations related to its excavation.
(e) The permittee may be required to place and maintain a temporary surface over openings made in paved traffic lanes and shall be required to exercise special care in making and maintaining such temporary restorations to ensure safe traveling conditions until such time as permanent restorations are made.

Sec. 58-37. - Work plans GUPS notification to accompany application for permit.

Any applicant for a permit for work as set forth in section 58-36 shall, before being entitled to the permit, file with the city clerk a written plan of the work proposed to be done, including a sketch or plat showing the location, size and general specifications of the work proposed and the purpose for which such work is to be done. Obtain a Georgia Utility Protection Service ticket number so that underground facilities can be properly marked to prevent damage to existing facilities. No permit will be issued without a valid GUPS ticket number. In the event of an emergency situation GUPS will be notified as soon as possible.

Sec. 58-38. - Replacement of surface excavated.

(a) In the event of such cutting or other operation as described in section 58-36, it shall be unlawful for the person, firm, contractor, utility (as defined in section 58-82), or other operator to leave the street, sidewalk, alley or other public way in a state of disrepair, without restoring the area cut or excavated to its condition prior to such work thereon. If paving or hard surface shall be cut or otherwise altered, dug up or excavated in any of the operations as set forth in this section, they shall be repaved and the surface shall be replaced to its original condition by the person, firm or other operator causing such work to be done.

(b) In areas where hard surfaces are to be excavated, it shall be neatly and uniformly cut with square edges by machine at each side. All backfill material in excavations shall be compacted in layers not exceeding 12 inches in compacted thickness using pneumatic tampers, vibratory compactors, or other approved means. Asphalt roadway excavations will be resurfaced with a minimum of six inches of compacted crushed rock or gravel and three inches of compacted asphalt topping. At no time shall wet or frozen fill material be used. Seed and straw are required for disturbed non hard surface areas. Existing grassed areas, shoulders, sidewalks, curbing or any other appurtenances, structures, or utilities disturbed or damaged shall be restored to original or better condition as determined by a representative from the department of public works. The permittee shall prosecute with diligence and expediency all excavation work covered by the excavation permit and shall promptly complete such work and restore the excavation work to as soon as practicable and in any event not later than 30 days upon completion of required work in the excavation site.

(c) If the permittee shall have failed to restore the surface of the street to its original and proper condition or shall otherwise have failed to complete the excavation work covered by such permit, the mayor and city council shall have the right to do all work and things necessary to restore the excavation site and to complete the excavation work. The permittee shall be liable for
the actual cost thereof and 25 percent of such cost, in addition, for general overhead and administrative expenses. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for one year after restoring it to its original condition.

(d) In the event of any emergency in which a sewer, main, conduit, or utility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main, conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of the property, life, health, and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which City Hall is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit as herein provided.

(e) The public works superintendent and city administrator shall be authorized to make such inspections as are reasonably necessary in the enforcement of the provisions of this article and shall have the authority to promulgate and cause to be enforced such rules and regulations as may be required to enforce and carry out the intent of this article.

(f) The provisions of this section shall not be applicable to any excavation work carried out under the direction of competent city authorities by employees of the city or contractors hired by the city.

Sec. 58-39. - Penalty for violations.

Any person, firm, contractor, utility (as defined in section 58-82), operator or other person who shall fail to comply with sections 58-36 through 58-38, or who shall violate any provision of sections 58-36 through 58-38, shall be punished, upon conviction, as provided for in section 1-12. In addition, it shall be required to repair any damage done to the streets, sidewalks or other public ways, or to reimburse the city for the cost of such repair plus 25 percent for general overhead and administrative expenses.

Secs. 58-40—58-60. - Reserved.

(Deleted text is shown by strikethrough. Added text is shown by underline.)
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to authorize the Mayor to sign Title VI assurances and nondiscrimination agreement with the Georgia Department of Transportation and for other purposes.

WHEREAS, pursuant to 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, the Georgia Department of Transportation assures that no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities; and

WHEREAS, the Georgia Department of Transportation’s sub-recipients, including the City of Eatonton, are required to include Title VI language in all written agreements and must monitor such agreements for compliance; and

WHEREAS, all of GDOT’s sub-recipients, including the City of Eatonton, must have a signed Title VI self-survey, as well as assurances and nondiscrimination agreement, on file as conditions to receiving pass through federal financial assistance; and

WHEREAS, the Council of the City of Eatonton deems it to be in the best interest of the City to execute such documents for the purposes stated above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

The Mayor of the City of Eatonton is hereby authorized to sign such documents, assurances, and agreements with the Georgia Department of Transportation as may be necessary to comply with Title VI of the Civil Rights Act of 1964, and shall perform all acts necessary to accomplish the intent of this resolution.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 3rd day of May, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
GDOT Title VI Assurances

The (Title of Recipient) (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

“The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

_________________________  ____________________________
Date  (Recipient)

_________________________
by (Signature of Authorized Official)

Attachments: Appendices A, B and C.
APPENDIX A

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text including the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any GDOT contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

1. **Compliance with Regulations**
   The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination**
   The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment**
   In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. **Information and Reports**
   The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the (Recipient) or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the (Recipient), or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**
   In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the (Recipient) shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
   
   a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
   b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as the *(Recipient)* or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the *(Recipient)* enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.
APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause
NOW, THEREFORE, the Georgia Department of Transportation (GDOT)—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the GDOT in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause
TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, GDOT and its assigns as such interest existed prior to this instruction.

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* Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.
APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration there of, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a GDOT program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration there of, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]*

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

*Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.*
GEORGIA DEPARTMENT OF TRANSPORTATION

NONDISCRIMINATION AGREEMENT

The Georgia Department of Transportation

And

______________________________  (City or County Name)

The __________________________, (hereinafter referred to as the “Recipient”) hereby agrees to comply with the following Federal Statutes, U.S. Department of Transportation and Federal Highway Administration Regulations, and the policies and procedures promulgated by the Georgia Department of Transportation, as a condition to receipt of Federal funds.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, as amended, provides that no person shall on the ground of race, color, national origin, sex, age, and handicap/disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds—whether schools and colleges, government entities, or private employers—must comply with Federal civil rights laws, rather than just the particular programs or activities that receive the funds.

Nondiscrimination programs require that Federal-aid recipients, sub-recipient, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally-funded or not. If a unit of a State or local government is extended Federal-aid and distributes such aid to another governmental entity, all of the operations of the recipient and sub-recipient are covered. Corporations, partnerships, or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance (FHWA Notice N 4720.6, September 2, 1992).

Assurances 49 CFR Part 21.7

The __________________________, HEREBY GIVES ASSURANCES:
That no person shall on the grounds of race, color, national origin, sex, age, and handicap/disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally-funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:

LIST ALL MAJOR PROGRAMS AND ACTIVITIES OF THE RECIPIENT

1. That it will promptly take any measures necessary to effectuate this agreement.

2. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.

3. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Federal Highway Administration and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, and successors in interest. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.

4. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and in adapted form all proposals for negotiated agreements.

5. The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, handicap/disabled in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix A of this agreement in every contract subject to the Act and the Regulations.

7. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.
IMPLEMENTATION PROCEDURES 23 CFR PART 200

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and the Title VI Implementation Guide.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of Federal funds;
2. The grant or donation of Federal property and interest in property;
3. The detail of Federal personnel;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.

2. Take affirmative action to correct any deficiencies found by the Federal Highway Administration within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.

3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Equal Employment Opportunity Coordinator or a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.

5. Process complaints of discrimination consistent with the provisions contained in this agreement, investigations shall be conducted by civil rights personnel trained in discrimination complaint investigations. Identify each complainant by race, color, national origin, sex, age, handicap/disability; the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of
investigation, will be forwarded to the Division Office of Civil Rights within 60 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex, age, handicap/disability) of participation in, and beneficiaries of the programs and activities conducted by the recipient.

7. Conduct Title VI reviews of the recipient and sub-recipient contractor program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.

8. Conduct training programs on Title VI and related statutes.

9. Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

   a. Accomplishment Report
      List major accomplishments made regarding Title VI activities, include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews conducted by the Title VI Specialist. List any major problem(s) identified and corrected action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

   b. Annual Work Plan
      Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

DISCRIMINATION COMPLAINT PROCEDURE

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient’s Title VI Specialist for review and action.

2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days:

   • The date of the alleged act of discrimination; or
   • Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant’s representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to any officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Federal Highway Administration and the Department of Transportation.

5. Generally, the following information will be included in every notification to the Office of Civil Rights:
   
   (a) Name, address, and phone number of the complainant
   (b) Names and address(es) of alleged discriminating official(s)
   (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
   (d) Date of complaint received by the recipient
   (e) Date of alleged discriminatory act(s).
   (f) A statement of complaint.
   (g) Other agencies (state, local or Federal) where the complaint has been filed.
   (h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

6. Within 60 days, the Title VI Specialist will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings.

7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Department of Transportation, or the Federal Highway Administration, if they are dissatisfied with final decision rendered by the State.

SANCTIONS

In the event the recipient fails or refuses to comply with the terms of this agreement, the Federal Highway Administration may take any or all of the following sanction:
a. Cancel, terminate, or suspend this agreement in whole or in part.
b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
d. Refer the case to the Department of Justice for appropriate legal proceedings.

SIGNED FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION:

______________________________  ______________________
Georgia Transportation Commissioner  Date

SIGNED FOR THE RECIPIENT

______________________________  ______________________
Authorized Official  Date