

**Minutes
City of Folkston
Regular Monthly Meeting
April 18, 2022**

The Mayor and Council of the City of Folkston met in regular session on April 18, 2022 at City Hall.

Mayor Gowen called the meeting to order at 6:30 pm. He gave the invocation and led the pledge of allegiance.

Members Present: **Lee Gowen, Mayor**
 Ruby Baker
 Marion Davis Jr.
 Jim Gowen
 Rob Roberson
 Bruce Young

Members Absent:

Also Present: **Leonard H. Lloyd, City Manager**
 Darlene Williamson, City Clerk
 Hali Coffey, Deputy Clerk
 Patrick Brooks, City Attorney

Visitors: Jamison Guice, Charlton County Herald

AGENDA

Mayor Gowen informed the council that the agenda needs to be amended by adding an executive session to discuss personnel.

Mr. Marion Davis made a motion to approve the amended agenda by adding an executive session as presented. Mr. Jim Gowen seconded the motion and it passed by unanimous vote.

MINUTES

Mrs. Ruby Baker made a motion to approve the minutes for the March 21, 2022 Regular Meeting as presented. Mr. Bruce Young seconded the motion and it passed by unanimous vote.

APPROVE INCOME AND EXPENSE STATEMENTS

Mr. Jim Gowen made a motion to approve the income and expense statements for March, 2022 as presented. Mr. Rob Roberson seconded the motion and it passed by unanimous vote.

POLICE DEPARTMENT REPORT

Chief Wesley Green stated the police department filed 31 incident reports, investigated 6 accidents and answered 1,612 calls during the month of March 2022.

The police department collected \$12,311.00 in fines and forfeitures; the city's portion is \$9,650.47.

CITY MANAGER REPORT

Mr. Lloyd informed the council that the city has not received the grant money for the American Rescue Plan-State Fiscal Recovery Funds (ARPA-SFRF). The annual reporting for the first ARPA funds (\$940,000.00) are due by April 30, 2022. There are complications with the website where the reporting is to be completed, continue to work on that daily.

Mr. Lloyd stated the city continues to wait on the parts for the drainage repairs at the intersection of Main Street and Tower Street.

Last week repairs were made to sidewalks that were cut to install new services.

The cemetery was sprayed for sand spurs and some discoloration could be seen in the grass, the grass should regain color once it rains.

A survey to complete the sidewalk on Main Street, from Mizell-Gibson Street to the bridge is being done.

DANA O'QUINN / OKEFENOKEE CHAMBER

Dana O'Quinn was not present.

APPROVE RESOLUTION #220401 FOR GRANT ADMINISTRATION

Mayor Lee Gowen stated that the resolution is to enter into an intergovernmental agreement with the Southern Georgia Regional Commission for grant administration technical services for the ARPA-SFRF grant.

Mr. Bruce Young made a motion to approve Resolution #220401 for Southern Georgia Regional Commission to provide grant administration technical services for the ARPA-SFRF Grant #GA-0005317 as presented. Mr. Jim Gowen seconded the motion and it passed by unanimous vote.

**APPROVE INTERGOVERNMENTAL AGREEMENT / SOUTHERN GEORGIA
REGIONAL COMMISSION**

Mr. Marion Davis made a motion to approve the Intergovernmental Agreement for Grant Administration Technical Assistance between the City of Folkston and the Southern Georgia Regional Commission. Mrs. Ruby Baker seconded the motion and it passed by unanimous vote.

EXECUTIVE SESSION

Mr. Bruce Young made a motion to enter into Executive Session to discuss personnel. Mrs. Ruby Baker seconded the motion and it passed by unanimous vote.

The meeting went into executive session at 6:42 pm.

Mayor Gowen declared the meeting back in open session at 7:02 pm.

No action was taken during the Executive Session.

ADJOURN

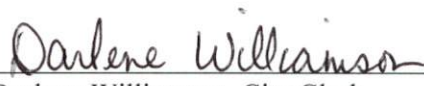
Mr. Rob Roberson made a motion to adjourn. Mr. Bruce Young seconded the motion and it passed by unanimous vote.

The meeting closed at 7:03 pm.

ATTEST:



Lee Gowen, Mayor



Darlene Williamson, City Clerk

RESOLUTION # 220401

**CITY OF FOLKSTON - American Rescue Plan Act (ARPA) State Fiscal Recovery Fund
(SFRF) Grant #GA-0005317 Sole Source Procurement
of the Southern Georgia Regional Commission
For Grant Administration Technical Services**

WHEREAS the City of Folkston wishes to enter into an intergovernmental agreement with the Southern Georgia Regional Commission (SGRC) for Grant Administration Technical Services on the above cited grant pursuant to that part of the Code of Federal Regulations regarding Noncompetitive Sole Source Procurement found at 2 CFR Part 200.320(c)(2);

WHEREAS the State of Georgia created Regional Commissions at O.C.G.A 50-8-32 (2010) as the regional planning entity that the City of Folkston belongs to and requires our membership, and as such the SGRC is mandated to provide technical assistance, including grant administration technical assistance, to the City of Folkston;

WHEREAS the Southern Georgia Regional Commission is a local government and currently operates as the City of Folkston's planning entity per O.C.G.A. 50-8-32;

WHEREAS the Southern Georgia Regional Commission's working knowledge of the American Rescue Plan Act (ARPA), Coronavirus Relief Funds (CRF), Local Fiscal Recovery Funds (LFRF) and/or State Fiscal Recovery Funds (SFRF) and their applications, is not available from any other source;

WHEREAS the Southern Georgia Regional Commission's crafting of the original ARPA SFRF application and their intimate knowledge of the project being awarded, is not available from any other source;

WHEREAS the Southern Georgia Regional Commission's institutional knowledge of the City of Folkston and our infrastructure, after decades of service, is not available from any other source; and

WHEREAS the Southern Georgia Regional Commission's long history of successfully administering Federal and State Grants for the City of Folkston is unavailable from any other source.

The City of Folkston chooses the Southern Georgia Regional Commission for Grant Administration Technical Services pursuant to that part of the Code of Federal Regulations regarding Noncompetitive Sole Source Procurement found at 2 CFR Part 200.320(c)(2).

BY:

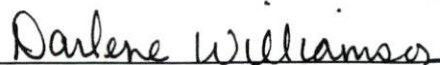


Lee Gowen, Mayor

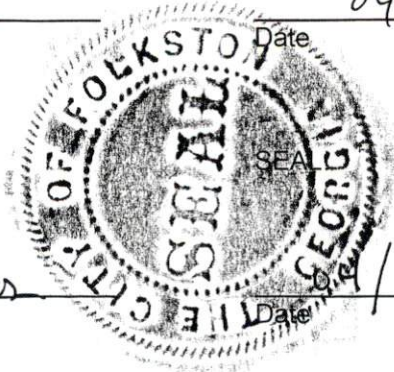
04/19/2022

Date

ATTEST:



Darlene Williamson, City Clerk



04/19/2022

Date

**INTERGOVERNMENTAL AGREEMENT
FOR GRANT ADMINISTRATION TECHNICAL ASSISTANCE
BETWEEN THE CITY OF FOLKSTON
AND THE SOUTHERN GEORGIA REGIONAL COMMISSION**

This agreement entered into this 18th day of April 2022 by and between the City of Folkston, Georgia (hereinafter referred to as **Local Government**) and the Southern Georgia Regional Commission (hereinafter referred to as **SGRC**).

WITNESSETH THAT:

Whereas, the **Local Government** desires to engage the **SGRC** to render certain technical and administrative services, during the time period of April 18, 2022, until October 31, 2026, or the grant end date as determined by the Governor's Office of Planning and Budget (GA OPB), by assisting the **Local Government** in implementing its **State Fiscal Recovery Fund (SFRF) Grant #GA-0005317** approved under the **American Rescue Plan Act. (ARPA)**

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. RETENTION OF THE SOUTHERN GEORGIA REGIONAL COMMISSION

The **Local Government** agrees to retain the **SGRC** and the **SGRC** hereby agrees to perform the services herein set forth.

II. SCOPE OF SERVICES

The **SGRC** shall do, perform, and carry out the following services as needed in a satisfactory, proper, and timely fashion.

- 1) Monitor contract to ensure contracts and contractors are in compliance with the following, or as may be required by GA OPB:
 - a. The contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations;
 - b. The Davis-Bacon Act (40 U.S.C. 276(a) to (a-7), as supplemented by the Department of Labor regulations; and
 - c. The Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by the Department of Labor regulations.
 - d. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Georgia

Illegal Immigration Reform and Enforcement Act of 2011.

- 2) Prepare all appropriate notices and attend all Public Hearings.
- 3) Provide necessary assistance in developing and maintaining a filing and records keeping system as required by GA OPB.
- 4) Provide the necessary assistance in gaining approval for any special conditions to the original grant approval.
- 5) Prepare and submit all draw-downs.
- 6) Prepare and submit all required reports, fiscal and program.
- 7) Monitor grants project activities, including on-site inspections on a regular basis to review quality of work and contractor compliance with Federal, State, and local regulations and codes.
- 8) Review Program for non-eligible costs.
- 9) Provide the necessary assistance in the final closeout procedures of the grant.
- 10) General Compliance Measures
 - a. Title 50, Chapter 18, Article 4, Official Georgia Code, Georgia Open Records Act.
 - b. GA OPB Regulations, and adherence to all requirements in the award contract.
- 11) Provide Fiscal Management for the GA OPB ARPA SFRF program to comply with Federal Audit Standards.
- 12) Monitor Civil Rights Compliance for the **Local Government** to ensure that the GA OPB ARPA SFRF program is in compliance with:
 - a. Title VI – Civil Rights Act of 1964.
 - b. Title VIII of the Civil Rights Act, 1968 (Fair Housing Act), as amended.
 - c. Section 109 – Title I – Housing and Community Act of 1974.
 - d. Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.
 - e. Executive Order 11246 – Equal Employment Opportunity, as amended by Executive Order 11375, Part II and III.

- f. Executive Order 11063 – Equal Employment Opportunity, as amended by Executive Order 12259.
 - g. Section 3 of the Housing and Development Act of 1968, as amended Section 118 of Title I, Community Development and Housing Act, 1974, and implemented by HUD regulations.
 - h. Governor's Office of Planning & Budget Civil Rights Compliance Certification.
 - i. Age Discrimination Act of 1975.
 - j. Executive Order 12432: National Priority to Develop Minority and Women Owned Businesses.
 - k. Section 504 of the Rehabilitation Act of 1973 and implementation regulation (24 CFR Part 8).
 - l. Section 104 of Title I of the Housing and Community Development Act of 1974 and the implementing regulations at 24 CFR Parts 5, 91, 92, 570, 574, 576, 903.
 - m. Georgia Handicapped Accessibility Law (OCGA, Title 30, Chapter 3), concerning handicapped accessibility to public buildings.
 - n. Georgia House Bill 1079 as amended by House Bill 513 (OCGA §36-91-1 through §36-91-95).
- 13) Monitor project for compliance with all environmental aspects including, but not limited to, the following, or as may be required by GA OPB:
- a. The National Environmental Policy Act (NEPA) of 1969, as amended by Executive Order 11991 of May 24, 1977 and the Council on Environmental Quality's (CEQ) NEPA Regulations, 40 CFR Parts 1500-1508;
 - b. Prepare and process (ERR) Environmental Review Record and Environmental Assessment Review in accordance with the Environmental Review Procedures for the GA OPB ARPA SFRF program;
 - c. The National Historic Preservation Act of 1966 (P.L. 89-665, 16 U.S.C. 470 et. seq.) as amended; particularly Section 106 (16U.S.C. 470f);
 - d. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 et. seq.); particularly Section 2(c);
 - e. The Reservoir Salvage Act of 1960, as amended, particularly Section 3, as amended by the Archeological and Historic Preservation Act of 1974;
 - f. Flood Disaster Protection Act of 1973 (P.L. 93 0234, 42 U.S.C. 4001 et. seq.), as amended; particularly Section 102 (a) and 202(a) (42 U.S.C. a(a) and 4106 (a));

- g. Executive Order 11988; Floodplain Management, May 24, 1977 (42 FR 26951 et. seq.); particularly Section 2 and 5;
- h. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 56961 et. seq.) particularly Section 2(a);
- i. Georgia Air Quality Act of 1978 (O.C.G.A. Section 12-9-1, et. seq.) to regulate air pollution and protect air quality.
- j. Shore Assistance Act of 1977 (OCGA Section 12-5-230, et. seq.).
- k. Georgia Hazardous Waste Management Act (OCGA 12-8-60, et. seq.);
- l. Georgia Health Code (OCGA 31-3-1, et. seq.) regulating individual sewerage treatment systems;
- m. The Coastal Zone Management Act of 1972, as amended;
- n. The Safe Drinking Water Act of 1974, (P.L. 93-523, 42 U.S.C. 201,300 (f) et. seq., and 21 U.S.C. 349) as amended; particularly Section 1424(e) (42 U.S.C. 300 (h)-300 (e)).
- o. The Endangered Species Act of 1973, as amended; particularly Section 7;
- p. The Archeological and Historic Preservation Act of 1974;
- q. The Coastal Resources Barriers Act of 1982;
- r. The Wild and Scenic Rivers Act of 1968, as amended;
- s. The Clean Air Act Amendments of 1970 (P.L. 91-607, 42 U.S.C. 7401 et. seq.) as amended, particularly Section 176 (c) and (d) (42 U.S.C. 7506 (c) and (d)).
- t. HUD Environmental Standards (24 CFR, Part 51) Environmental Criteria and Standards;
- u. Georgia Coastal Marshlands Protection Act of 1970;
- v. Georgia Groundwater Use Act of 1972 (OCGA section 12-5-170, et. seq.).
- w. Georgia Safe Drinking Water Act of 1977 (O.C.G.A. Section 12-7-1 et. seq.).
- x. Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. Section 12-7-1 et. seq.).
- y. Georgia Solid Waste Management Act (OCGA Section 12-8-20, et. seq.) for collecting garbage or operating a landfill.
- z. Georgia Water Quality Control Act (O.C.G.A. Section 12-5-20, et. seq.).
- aa. Farmland Protection Policy Act of 1981, (and the regulations at 7CFR Part 658).

- 14) Monitor for compliance with all acquisition and relocation including, but not limited to, the following, or as may be required by GA OPB:

- a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (46 U.S.C. 4601) and regulations at 49 CFR, Part 24.
 - b) Georgia Real Estate Appraiser Licensing and Certification Act (O.C.G.A. Section 43-39-A-1 through 43-39-A-27).
 - c) The Georgia Relocation Assistance and Land Acquisition Policy Act of 1973.
 - d) The Georgia Urban Redevelopment Law (OCGA, Section 36-61-1, et. seq.).
- 15) Monitor compliance for all housing programs including, but not limited to, the following, or as may be required by GA OPB:
- a) The Truth in Lending Act (Regulation Z).
 - b) Title I Consumer Protection Act (PL 90321).
 - c) The Lead Base Paint Poisoning Prevention Act (42 U.S.C. 4831-5 et al) and HUD implementing regulations (24 CFR Part 35).
 - d) The Residential Lead-Based Paint Hazard Reduction Act of 1993 (PL 102-550).
 - e) The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., 5401 et. seq., as amended).
 - f) Manufactured Housing Act (O.C.G.A. Sections 8-2-130 and 160 et. seq.).
 - g) Construction Industry Licensing Board Act (O.C.G.A. Section 43-14-8).
 - h) Georgia State Uniform Construction Codes Act (O.C.G.A. Section 8-2-21).
 - i) The Fire Administration Authorization Act of 1992 (PL 102-522).
- 16) Monitor Compliance with 2 CFR Part 200: Uniform Administrative Requirements for Grants-in Aid to State and Local Governments and to GA OPB ARPA SFRF Grants.
- 17) Remain abreast of current guidelines and provide the necessary liaison with appropriate federal and state officials in order to provide the necessary technical advice for the protection of the **Local Government** in its responsibilities under ARPA.
- 18) Prepare any and all additional documentation that GA OPB may require for this particular grant.

III. ASSURANCES

The **SGRC** will comply with:

- 1) Title VI of the Civil Rights Act of 1964 (Publ. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States 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 program or activity for which that applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure 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.

- 2) Title VIII of the Civil Rights Act, 1968 (Fair Housing Act) (Publ. L. 9-284), as amended administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services.
- 3) Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.
- 4) Section 109 of the Housing and Community Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.601), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under this Part.
- 5) Executive Order 11063, as amended by Executive Order 12259, on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance.
- 6) Executive Order 11246, as amended by Executive Order 11375, Parts II and III, and the regulations issued pursuant thereto (24

CFR Part 130 and 41 CFR Chapter 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or Federally assisted construction contracts.

Contractors and sub-contractors shall take affirmative action to ensure fair treatment in employment, upgrading, demotion, or transfer; recruitment; advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.

- 7) It will comply with Section 3 of the Housing and Development Act of 1968, as amended Section 118 of Title I, Community Development and Housing Act, 1974, and implemented by HUD regulations, requiring that to the greatest extent feasible, opportunities for the training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.
- 8) It will comply with the GA OPB Civil Rights Compliance Certification.
- 9) Age Discrimination Act of 1975.
- 10) Executive Order 12432: National Priority to Develop Minority and Women Owned Businesses.
- 11) Section 504 of the Rehabilitation Act of 1973 and implementation regulation (24 CFR Part 8).
- 12) Adhere to all requirements of the GA OPB ARPA SFRF Grant Program.
- 13) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Georgia Illegal Immigration Reform and Enforcement Act of 2011.

IV. RETENTION AND ACCESS TO RECORDS

The **SGRC** shall give access to any books, documents, papers, and records directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcriptions to the **Local Government, GA**

OPB, the Comptroller General of the State of Georgia, Comptroller General of the United States, or any of their duly authorized representatives. The **SGRC** will retain program and financial records for three (3) years after the GA OPB ARPA SFRF Grant is closed out.

V. PERSONNEL

The **SGRC** represents that it has, or will secure, all personnel required in performing the services under this contract. Such employees will not be employees of the **Local Government**.

VI. SERVICES TO BE FURNISHED BY THE LOCAL GOVERNMENT

The **Local Government** shall:

- 1) Provide space at the **Local Government** appropriate to carry out program activities, and to provide access to this space to **SGRC** personnel assigned to carry out duties under this AGREEMENT.
- 2) Make available to **SGRC** staff any documents, reports, plans, data, studies, contracts, or agreements which are related to the administration of this project.
- 3) Retain program and financial records for 3 years after the GA OPB ARPA SFRF Grant is closed out.
- 4) Contract for independent audits of their financial operations, including compliance with Federal and State law and requirements.

VII. COMPENSATION

The fee for the administration of this project shall be **\$50,000.00**. The **Local Government** will pay the **SGRC** monthly upon receipt of invoices for administrative services.

In the event GA OPB approves a Grant Adjustment Notice extending the grant period, additional compensation may be charged for those additional grant related services provided by the **SGRC** during the extended grant period. Should the **Local Government** want to submit a request for a "Program/Substantive Amendment" then the **SGRC** shall require additional compensation for any grant related services provided by the **SGRC** pertaining to the preparation of and/or implementation of a program amendment(s) as defined by the GA OPB, whether such

amendment is prepared and/or carried out during the original or extended grant period. Such charges will be payable from locally generated revenues of the **Local Government**.

VIII. CONTRACT MODIFICATIONS

All modifications and changes to this contract shall be in writing. Electronic mail and facsimile communications shall be considered legal and binding correspondence. The original scope of the project, or the completion date, may be altered by either party with written concurrence by both the **SGRC** and the **Local Government**. Such changes shall be specifically designated as a "Change Order" and shall be signed by both parties. The **SGRC** is not authorized or obligated to undertake any work under a "Change Order" until said "Change Order" is signed by both parties. Upon issuing a "Change Order", the **Local Government** shall assure the **SGRC** that there are sufficient funds to cover the additional cost, if any, of the changes to the original scope of the project.

IX. INDEMNIFICATION

The **Local Government** shall indemnify and hold harmless the **SGRC** and its subcontractors, employees, agents, and representatives from and against any and all suits, additions, legal proceedings, claims, demands, damages, liabilities, costs and expenses, including attorneys' fees arising out of or in connection with OR claimed to arise out of or in connection with any negligent or wrongful error, omission, or act of the **SGRC** or anyone acting in behalf of or in connection with or incident to this contract, or as a result of any work product of the **SGRC**.

X. TERMINATION OF AGREEMENT

This agreement shall terminate at the end of the grant period or prompt completion of all requirements imposed by the grant. It is further agreed that this agreement may be terminated by either party at any time upon thirty (30) days written notice to the other party. The **Local Government** shall reimburse the **SGRC** for any valid expenditures eligible under this agreement that the **SGRC** has incurred up to the date of receipt of termination. Additional expenditures by the **SGRC** during the thirty (30) day period will be incurred only with the permission by the **Local Government**. These approved expenditures will be reimbursed at the date of termination.

CITY OF FOLKSTON, GEORGIA
as part "Local Government"

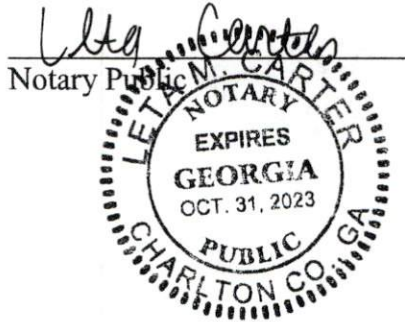
By: _____

Mayor

Attest: _____

Darlene Williamson

Signed, sealed, and delivered
in the presence of:



SOUTHERN GEORGIA REGIONAL
COMMISSION, as "SGRC"

By: _____

Chairman

By: _____

Executive Director

Signed, sealed, and delivered
in the presence of:

Notary Public