

SPONSOR: MAYOR ROBERT A.B. REICHERT

**A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OCMULGEE SOIL AND WATER CONSERVATION DISTRICT FOR THE CONTINUED REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS IN ACCORDANCE SECTION 7(D) OF THE EROSION AND SEDIMENTATION ACT OF 1975 AS AMENDED IN SUBSTANTIALLY THE SAME FORM AS ATTACHED HERETO AS EXHIBIT A; AND FOR OTHER PURPOSES.**

**WHEREAS**, Macon-Bibb County has adopted an erosion and sedimentation control ordinance governing land-disturbing activities and said ordinance meets or exceeds the standards, requirements and provisions of the Erosion and Sedimentation Act of 1975, Ga. Laws 1975, p. 994; and

**WHEREAS**, Macon-Bibb County has been certified by the Director of the Environmental Protection Division as an issuing authority for purposes of the Erosion and Sedimentation Act of 1975, as amended; and

**WHEREAS**, Macon-Bibb County has demonstrated to the Ocmulgee Soil and Water Conservation District (hereinafter "District") its capabilities to review and approve erosion and sediment control plans and has requested an agreement with the District to conduct such review and approval; and

**WHEREAS**, this agreement will allow Macon-Bibb County to conduct the review and approval of erosion and sediment control plans without referring the applications and plans to the District, in compliance with Section 7(d) of the Erosion and Sedimentation Act of 1975, as amended upon approval of the State Soil and Water Conservation Commission; and

**WHEREAS**, a copy of the proposed Memorandum of Understanding between Macon-Bibb County and the Ocmulgee Soil and Water Conservation District has been attached hereto as Exhibit A for review and reference purposes; and

**NOW, THEREFORE BE IT RESOLVED** by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that the Macon-Bibb County Commission authorizes the Mayor to execute a Memorandum of Understanding with the Ocmulgee Soil and Water Conservation District for the continued review and approval of erosion and sediment control plans in accordance Section 7(d) of the Erosion and Sedimentation Act of 1975 as amended in substantially the same form as attached hereto as Exhibit A.

**NOW, THEREFORE BE IT FURTHER RESOLVED** this resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

**NOW, THEREFORE BE IT FURTHER RESOLVED** the Macon-Bibb County Commission grants the Mayor the authority to execute any documents necessary to execute this effectuate the intents and purposes of this resolution, and to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
ROBERT A.B. REICHERT, Mayor

Attest: \_\_\_\_\_  
JANICE S. ROSS, Clerk of Commission

(SEAL)

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE OCMULGEE SOIL AND WATER CONSERVATION DISTRICT  
AND  
THE COUNTY OF MACON-BIBB, GEORGIA**

This Memorandum of Agreement entered into between the Ocmulgee Soil and Water Conservation District, hereinafter referred to as the "District" and the City/County of Macon-Bibb County, Georgia, hereinafter referred to as the "City/County".

**WHEREAS**, the City/County has adopted an erosion and sedimentation control ordinance governing land-disturbing activities, which ordinance meets or exceeds the standards, requirements and provisions of the Erosion and Sedimentation Act of 1975, Ga. Laws 1975, p. 994, as amended to date of execution of this agreement; and

**WHEREAS**, the City/County has been certified by the Director of the Environmental Protection Division as an issuing authority for purposes of the Erosion and Sedimentation Act of 1975, as amended; and

**WHEREAS**, the City/County has demonstrated to the District its capabilities to review and approve erosion and sediment control plans and has requested an agreement with the District to conduct such review and approval; and

**WHEREAS**, the District enters into this agreement with the intent of allowing the City/County to conduct the review and approval of erosion and sediment control plans without referring the applications and plans to the District, in compliance with Section 7(d) of the Erosion and Sedimentation Act of 1975, as amended; and

**WHEREAS**, both parties to this agreement, the District and the City/County, understand that this Agreement cannot be effective until the State Soil and Water Conservation Commission gives its written concurrence hereto, as indicated by execution of this document;

**NOW THEREFORE**, the parties to this Agreement, the District and the City/County, based on the mutual considerations as set forth below, hereby agree as follows:

- I. 1. The City/County shall conduct technical review and approval of erosion and sediment control plans in accordance with standards set forth in the ordinance of the City/County. The City/County shall take appropriate steps to assure that approved plans are properly installed and maintained and that all measures and practices are in compliance with the City/County's erosion and sedimentation control ordinance.



2. The City/County shall submit to the District on a quarterly basis a report of the erosion and sediment control program. The report shall contain the number of plans reviewed and the overall program status. The report shall be submitted on a timely basis and of a form and content that is acceptable to the District and to the City/County.

3. The City/County shall keep the District informed of land-disturbing plans that might affect soil and water conservation.

4. The City/County shall maintain a system of records, plans, applications, etc., of all actions taken under this Agreement, and shall make such records available to the District or its representative upon request.

II. 1. The District will allow the City/County to conduct the review and approval of erosion and sediment control plans without the necessity of referring the application and plan to the District, so long as the City/County complies with the conditions specified in this Agreement.

2. The District will review and carefully consider the reports submitted by the City/County and shall make recommendations with regard to the adequacy of the program and its compliance with the Erosion and Sedimentation Act of 1975, as amended.

3. The District shall provide the City/County with expertise available through the District and through memoranda of agreement between the District and other agencies.

4. The District assures that erosion and sediment control assistance shall continue to be a priority item of the District program.

5. The District shall, upon request, provide or conduct informational and educational programs to train individuals charged with review of erosion and sediment control plans, manpower and funding permitting.

6. The District shall provide to the City/County an annual evaluation of the effectiveness of its erosion and sediment control program.

III. It is mutually understood and agreed as follows:

1. This memorandum shall not be amended without consent of both parties and concurrence of the State Soil and Water Conservation Commission.

2. The City/County's files of erosion and sediment control plans and actions shall remain accessible to the District.

3. The District may secure additional review services before making recommendations on the adequacy of the program of the City/County.

4. This memorandum may be terminated at any time by either party, upon sixty (60) days written notice. It will terminate automatically and without written notice if the Environmental Protection Division revokes the certification of the City/County program pursuant to Section 8 (c) of the Erosion and Sedimentation Act of 1975, as amended.

5. This memorandum shall be effective on the date of the concurrence herewith by the State Soil and Water Conservation Commission.

Sworn to and subscribed before me

MACON-BIBB COUNTY, GEORGIA

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Title: \_\_\_\_\_

My commission expires:

Ocmulgee Soil & Water Conservation District

Sworn to and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Title: \_\_\_\_\_

My commission expires:

This memorandum is hereby concurred in by the State Soil and Water Conservation Commission

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Sworn to and subscribed before me

State Soil and Water Conservation Commission

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Title: \_\_\_\_\_

My commission expires: