

PASSED 7/13/23

RESOLUTION NO. _____

TEMPORARY SUSPENSION RESOLUTION

A RESOLUTION TO PROVIDE ON A TEMPORARY BASIS, A SUSPENSION AS TO ALLOWING NEW WATER AND SEWER CONNECTIONS UPON SYSTEM OF THE JACKSON COUNTY WATER & SEWERAGE AUTHORITY ("JCWSA"); TO PROVIDE THE SPECIFIC PURPOSES TO BE ACHIEVED BY THE TEMPORARY SUSPENSION; TO PROVIDE THAT THE INTEREST OF THE PUBLIC REQUIRES THIS TEMPORARY SUSPENSION DUE TO A LACK OF CURRENT CAPACITY OF THE WATER AND SEWER DISTRIBUTION AND COLLECTION SYSTEM OF THE JACKSON COUNTY WATER & SEWERAGE AUTHORITY; TO PROVIDE THAT THE SUSPENSION SHALL BE TEMPORARY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of the Jackson County Water & Sewerage Authority is authorized and directed by section 28 of its Charter at Ga. L. 1986, P. 5473, to have the general purpose of "acquiring, equipping, constructing, maintaining, and operating adequate water supply, treatment, and distribution facilities and sewerage collection, treatment, and distribution facilities; making such facilities and the services thereof available to public and private consumers and users located in Jackson County and their environs...and doing all things deemed by the authority necessary, convenient, and desirable for and incident to the efficient and proper development and operation for such type of undertaking;"

WHEREAS, the Board of the Jackson County Water & Sewerage Authority, pursuant to the authority granted to it by its charter, and the authority of its water and sewer use regulations, as amended, may take those actions as is appropriate to operate its water and sewerage system on a sound basis, and in a fair and equitable manner;

WHEREAS, due to explosive growth in its service area, the JCWSA, as of the effective date of this resolution, is rapidly approaching the maximum water service and sewage treatment capacity and distribution and collection capacity available under its current infrastructure;

WHEREAS, the Board of the JCWSA, in light of nearing both the water capacity and the plant capacity for the sewerage treatment system and the distribution and collection capacity, desires to conserve the remaining capacity of the system, in order to prevent unjust hardship in certain cases, and allow for the equitable and fair treatment of all applicants for sewer taps to the sewerage treatment system of the JCWSA.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the authority of the JCWSA charter,

and the legal authority possessed by the JCWSA, as follows:

SECTION 1. RECITALS.

The foregoing recitals are hereby incorporated by reference into this resolution, as if they were set out fully herein.

SECTION 2. TEMPORARY SUSPENSION.

The Jackson County Water & Sewerage Authority does hereby impose a temporary suspension as to the consideration of all new **residential** water and sewerage treatment applications for connection to the water and sewerage system of the JCWSA exceeding 10 Equivalent Residential Units ("ERUs"), as of the effective date of this resolution. The temporary suspension shall be for a time period of 365 days from the date of passage of this resolution by the Board of the JCWSA, **unless terminated earlier by the JCWSA Board.** The temporary suspension shall apply to all applications for water or sewerage treatment capacity not presently filed and submitted to the JCWSA as of the date of this Resolution. The staff of the JCWSA may continue to receive applications for water or sewerage capacity, but the staff shall indicate to the applicants that the JCWSA Board has imposed the temporary suspension, and no new residential capacity exceeding 10 ERUs will be granted during the time of the temporary suspension, unless the Board determines there is a vested right situation as provided hereinafter. The Board of the JCWSA acknowledges that those parties who have vested rights to receive connections (either by pre-sold capacity or prior board commitments) to the water or sewerage treatment system of the JCWSA are relieved of the effect of the suspension. Residential applications made prior to the effective date of this resolution, but which were not approved by the Board of the JCWSA, shall have no vested rights to receive connections.

SECTION 3. PUBLIC PURPOSE OF THE SUSPENSION.

The temporary suspension is to allow the JCWSA a reasonable interim period of time, being 365 days, to increase the functional capacity of its water and sewerage treatment distribution system and investigate the necessary and appropriate connection fees and rates to fund necessary future capital improvements. The suspension also has the public purpose of protecting the remaining capacity of the water and sewerage treatment system and distribution and collection systems, and protecting the functional ability of the system to provide service to current customers. The suspension also has the purpose of

allowing the Board to treat all applicants for capacity in a fair and equitable manner, and recognize undue hardship to some applicants, and the vested rights of others to connections. Therefore, the Board finds that it is appropriate for this temporary suspension to be imposed, and the Board has narrowly tailored this suspension to achieve these purposes.

SECTION 4. APPLICATIONS DURING THE TEMPORARY SUSPENSION.

During the Temporary Suspension, the JCWSA Staff will continue to receive residential water and wastewater treatment applications exceeding 10 ERUs, which applications will not be reviewed or considered during the pending Temporary Suspension. Any water or wastewater treatment applications so described, submitted as a preliminary engineering application, received during the Temporary Suspension (hereinafter the "Interim Applications") will be marked as received with the appropriate date and time of delivery to the JCWSA Staff. Upon receipt, JCWSA Staff will delivery of a copy of the dated Interim Application to the applicant and place the original Interim Applications on file until such time as the Temporary Suspension is terminated. During the pendency of the Temporary Suspension, JCWSA is not to review or consider the filed Interim Applications in any way. Upon the termination of the Temporary Suspension, JCWSA Staff and Board, in accordance with established policy, will consider the Interim Applications in the order received. Only after all Interim Applications have been considered will any new, non-Interim applications be considered.

JCWSA Staff is directed that any wastewater application forms requested during the Temporary Suspension will bear the following language on the first page of said application:

TEMPORARY SUSPENSION NOTICE

The JCWSA Board has placed a Temporary Suspension on the consideration of all new water or sewerage treatment applications for residential connection exceeding 10 ERUs. No new water or sewerage treatment applications so described will be reviewed or considered by the JCWSA during the pendency of the Temporary Suspension. The submission of this water or sewerage treatment application does not vest the applicant with any right to capacity and should not be considered an approval by the JCWSA of the application, its form, or its content. A copy of the Temporary Suspension resolution, dated _____, 2023, is available at the offices of the JCWSA, located at 117 MLK Avenue, Jefferson, Georgia 30542.

Acknowledged by Applicant: _____

FOR STAFF USE ONLY

Application received by JCWSA this ___ day of _____, _____, at _____ a.m./p.m.
Received by: _____

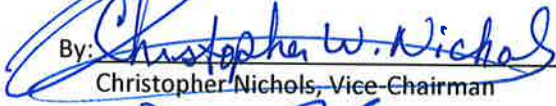
SECTION 5. EFFECTIVE DATE.

This resolution shall be effective upon passage.

SO RESOLVED, this 10 day of July, 2023.

**JACKSON COUNTY WATER & SEWERAGE AUTHORITY
BOARD**

By: 
Dylan Willbanks, Chairman

By: 
Christopher Nichols, Vice-Chairman

By: 
Wade Johnson, Member

By: 
Kevin Poe, Member

By: 
Tommy Benton, Member

Attest:


Board Secretary, Karen Johnson