

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

March 20, 2012

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
  2. Invocation was led by Rev. Kenneth Paden of the Living Word Church in Forest Park, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
  3. Amended the agenda by adding requests by Renee Bright, Director of Human Resources (following agenda item #6; Consider requests of Angela Jackson, Director of Finance); adding Resolution 2012-61 (Authorizing Clayton County to terminate any relationship with Work Train Staffing, LLC for the provision of temporary staffing due to its inability to provide the services for the cost originally represented in its agreement with Clayton County); and adding Resolution 2012-62 (Authorizing Clayton County to enter into a Memorandum of Understanding with the Clayton County Sheriff's Office for the purpose of providing additional funds necessary to fulfill certain obligations under an agreement between the Sheriff's Office and the Clayton County Board of Education). Clerk Haywood noted that Carol Rogers of Central Services would be representing Theodis Locke (Interim Director of Central Services/Risk Management) tonight, and the Executive Session would be regarding a real estate purchase. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
  4. Approved the March 13, 2012 Regular Business Meeting minutes. Vote unanimous.
  5. Carol Rogers of Central Services presented one (1) item to the Board which resulted in this action.
    - 1) Approved a Request to use the current Annual Contract with Presidio Networked Solutions of Norcross, Georgia to purchase structured cabling, data network infrastructure, and the security/access control equipment for the Clayton County Youth Development and Juvenile Justice Center (as requested by Information Technology). Funding, in the amount of \$374,000.00, is available through SPLOST. Vote unanimous.
  6. Angela Jackson, Director of Finance, submitted several requests to the Board which resulted in the following actions. (NOTE: The Board voted on all of these items at once.)
    - 1) Approved Budget Amendment #2-24/Sheriff/FYE 6-30-12, in the amount of \$4,444,259.00, to increase the budget to allow for the hiring of sixty new Sheriff's Office employees (19 Deputy Sheriff II's; 5 Investigators; 32 Correctional Officers; and 4 Correctional Lieutenants) and cover additional telephone, advertising, part-time wages, overtime, medical service fees, and food/dietary supplies. The motion carried 4-1. Commissioner Edmondson opposed.
- Chairman Bell asked Clayton County Sheriff Kem Kimbrough to provide the Board with some background information regarding staffing monies requested in Budget Amendment #2-24.

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Sheriff Kimbrough relayed that the Sheriff's Office has attempted for several years to reorganize in order to achieve a proper staffing and servicing level. During that time, the Sheriff's Office has incurred a tremendous amount of overtime that represents a volatile expenditure in the county's budget. Sheriff Kimbrough admitted that overtime has been a moving target from year to year, and it has not given him or the Board of Commissioners any assurance as to what his office's final budget numbers will be. Whenever he is working his employees to that heightened level of overtime, the Jail is not operating at its optimum efficiency/effectiveness because sick leave, annual leave, and workers' compensatory costs escalate drastically. Since the Sheriff's Office is a public safety agency, there is no room for errors because somebody's life could be in jeopardy. Although the Sheriff's Office might not necessarily be able to save monies by hiring additional staff at this point during the fiscal year, it can stabilize the budget and get a more effective "bang for its bucks" as opposed to continuing to expend overtime. When his office actually sat down to discuss the numbers, it appeared that a few monies might be saved. Sheriff Kimbrough acknowledged that the proposal to hire additional staff was a part of this year's budget process. Based upon previous trends of approximately \$36 million as a reasonable budget to operate the Sheriff's Office at its current level, this amendment would get the Jail staffing back on point. He added that this budget amendment may raise his budget above the \$36 million mark because it is being requested in the middle of a budget year (instead of at the beginning of a budget year). Some losses have already occurred because his office has had to operate up until this point by expending overtime. Without spending any more overtime, this budget amendment will significantly benefit his office by allowing him to place one (1) Warrant team in each of the zones/shifts identified in the county; operate and staff every Jail post on a regular mode (the Jail is presently eight [8] positions short on each shift and has had to staff on mandatory overtime as far back as his predecessor); and open back up one of the housing units to free up 200 additional beds (the Jail is currently housing 200-300 people on the floor). Sheriff Kimbrough expressed appreciation to the Finance Department for its diligence in working with his staff to arrive at the figures in this budget amendment tonight, and he thanked the Board for its consideration of this request.

Commissioner Edmondson noted there was a conversation on this topic in December 2011. While it is a noble topic, he acknowledged that the budget amendment documents were just distributed to the Board of Commissioners tonight. Commissioner Edmondson was concerned that this budget amendment was now under consideration for a vote without the Board members having had a chance to see, read, and discuss it with the Chairman. He did not even know if there were enough monies in the county's budget to satisfy this \$4,444,259.00 budget amendment. Commissioner Edmondson recalled that the last time the Board had a discussion about the budget was before the auditors had completed the audit. He also did not know what the present Fund Balance is. While this is a worthy cause, he felt it was appropriate to ask this Board to table a vote on the budget amendment for the Sheriff's Office to do "due diligence" first.

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Vice-Chairman Ralph questioned if Commissioner Edmondson were making a motion to table a vote on the budget amendment for the Sheriff's Office.

Commissioner Edmondson clarified that he was making a request to table a topic that is before the Board which has yet to be voted on tonight. He did not believe this topic needed a motion because it is just a budget amendment – not a resolution – and it was not added to the agenda specifically.

Interim County Attorney Jack Hancock interjected that to put any item on the table requires a motion.

Commissioner Edmondson agreed to make a motion to table this budget amendment until the next business meeting to give the Board an opportunity to review the documents that require a vote.

Chairman Bell asked if anyone wanted to second Commissioner Edmondson's motion. There was no response from the other Board members. Chairman Bell responded that Commissioner Edmondson's motion failed due to the lack of a second.

2) Approved Budget Amendment #2-25/Fire Department/FYE 6-30-12, in the amount of \$19,000.00, to appropriate revenue collected to reflect the renewing of EMS Licensure for Fire personnel. Vote unanimous.

3) Approved Budget Amendment #2-26/Other General Government/FYE 6-30-12, in the amount of \$2,500.00, to re-appropriate funds for the Vietnamese Social Center that were appropriated in 2011 but not paid. Vote unanimous.

Commissioner Edmondson stated that the Board approved funds for the Vietnamese Social Center at the beginning of the fiscal year – just a few meetings after the budget was adopted. He inquired why they were not paid.

Ms. Jackson replied that after the Board approved the local assistance grants in 2011, a contract was issued to all of the recipients. When the recipients complete the contracts and return them to the Legal Office, the Legal Office forwards them to the Finance Department for payment. From her understanding, the address for the Vietnamese Social Center changed and this center never received the contract to be completed and routed through the normal process. Currently, the Finance Department has a correct address for the Vietnamese Social Center. Upon receipt of the contract from this center, the Legal Office will initiate the process of forwarding it to the Finance Department for a timely payment.

4) Approved a Request for Refund – Clean-up Bond, in the amount of \$500.00, from Master Contracting, Inc. of Doraville, Georgia. Vote unanimous.

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5) Approved a Request for Refund – Overpayment of Fire Code Violation, in the amount of \$237.50, from Dollar General Corporate of Goodlettsville, Tennessee. Vote unanimous.

For the record, Chairman Bell asked Ms. Jackson to state the reason why Dollar General Corporate required a refund of the fire penalty. He thought she had said Dollar General Corporate had paid it twice.

Ms. Jackson said no, in this instance there was a discrepancy in the amount that Code Enforcement Board members fined the company. Once those members went back and reviewed the minutes from the hearing, they determined that the minutes indicated that the payment should have been \$100.00 versus the \$237.50 –so the fine resulted in a refund.

7. Renee Bright, Director Human Resources, requested permission to fill vacancies which resulted in the following action.

1) Approved a Request to Fill Vacancies for these positions:

<b>Position Title</b>	<b>Department</b>	<b>Salary Grade</b>	<b>Salary</b>
Sheriff Correctional Officer	Sheriff	19	\$35,543.00
Judiciary Secretary	Magistrate Court	17	\$32,181.00
Police Officer II (10 positions)	Police	20	\$37,354.00
Code Enforcement Officer	Police	P/T	\$13.03/hour
Truck Driver I (4 positions)	T&D	13	\$26,380.00
Sr. Assistant District Attorney	DA	29	\$58,420.00
Lifeguard (Virginia Gray Ctr./2 pos.)	Parks & Recreation	P/T	\$7.57/hour
Ctr. Maintenance Worker/VA Gray	Parks & Recreation	P/T	\$7.95/hour
Program Supervisor (VA Gray Ctr.)	Parks & Recreation	P/T	\$10.69/hour
Youth Camp Counselor (8 pos./Seas.)	Senior Services	P/T	\$9.00/hour
Teen Camp Counselor (5 pos./Seas.)	Senior Services	P/T	\$9.00/hour
Ctr. Maintenance Worker (Seasonal)	Senior Services	P/T	\$7.95/hour
Lifeguard	Senior Services	P/T	\$7.57/hour
Program Aide	Senior Services	P/T	\$9.00/hour

Vote unanimous.

8. Approved Ordinance 2012-52 (**2<sup>nd</sup> Reading/Adoption**), an ordinance adopted under the Home

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Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to allow State Court Law Clerks to be eligible employees under the plan; to repeal conflicting laws, ordinances and resolutions; to provide an effective date of this ordinance; etc. Vote unanimous.

9. Approved Resolution 2012-56 authorizing Clayton County to allow the Kiwanis Club of Lovejoy to sponsor and host a 5K Scholarship Run/Walk at the Gerald Matthews Complex; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; etc. Vote unanimous.

10. Approved Resolution 2012-57 authorizing the Board of Commissioners, on behalf of the Clayton County Juvenile Court, to enter into a Memorandum of Understanding with Community Healthcare of Georgia to provide an alternative educational service to low-risk youth rather than formal juvenile justice involvement. Vote unanimous.

11. Approved Resolution 2012-58 authorizing Clayton County to enter into a Transportation Agreement with the State of Georgia, Department of Human Services providing for the terms and conditions under which transportation services related to the Clayton County Aging Program will be administered; to authorize the Chairman to execute the agreement and otherwise perform all other acts necessary to accomplish the intent of the resolution; to authorize the Finance Director to amend the budget where necessary to reflect the appropriate revenue source and expense; and to transfer any required match of local funds, all as may be required under the terms of the agreement; to provide an effective date; and for other purposes. Vote unanimous.

12. Approved Resolution 2012-59 authorizing Clayton County to enter into a Program Co-Sponsorship Agreement with the Arthritis Foundation to provide Aquatic Arthritis classes; to authorize the Chairman to execute the agreement and perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of the resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2012-60 authorizing Clayton County to amend and renew the Health Services Agreement with CorrectHealth Clayton, LLC which provides for the terms and conditions under which inmate healthcare services are rendered to the Clayton County Prison; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of the resolution; to authorize the Finance Director to amend the budget where necessary to reflect the appropriations and expenditures relating thereto; to provide an effective date of the resolution; and for other purposes. Vote unanimous.

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For the record, Interim County Attorney Jack Hancock emphasized the resolution that appears before the commissioners in their binders reflects in the third “**Whereas**” that the amended agreement will renew for a term to include April 1, 2012 through September 30, 2012 with no annualized increase. It is so noted in the agreement, however, that the renewal period runs from April 1, 2012 through March 31, 2013. Mr. Hancock requested to amend the resolution to reflect a one year term from April 1, 2012 through March 31, 2013. The Board agreed to honor his request.

14. Approved 2012-61 authorizing Clayton County to terminate any relationship with Work Train Staffing, LLC for the provision of temporary staffing due to its inability to provide the services for the cost originally represented in its agreement with Clayton County; to authorize the Chairman to execute any and all documents necessary to terminate the relationship and otherwise perform all other acts necessary to accomplish the intent of the resolution; to provide an effective date of the resolution and for other purposes. (NOTE: Both entities mutually agreed to terminate any relationship/agreement that exists between them effective March 16, 2012 for the aforementioned reason.) Vote unanimous.

15. Approved 2012-62 authorizing Clayton County to enter into a Memorandum of Understanding with the Clayton County Sheriff’s Office for the purpose of providing additional funds necessary to fulfill certain obligations under an agreement between the Sheriff’s Office and the Clayton County Board of Education; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Memorandum of Understanding; to provide an effective date of this resolution; and for other purposes. The motion carried 4-1. Commissioner Edmondson opposed.

Interim County Attorney Hancock noted that the Finance Director’s report (budget amendment) reflected to the Board the amount (\$4,444,259.00) that was added to the budget for the above-mentioned purpose.

Without any objection, Chairman Bell requested that the Board allow Mr. Hancock to read the Resolution and the Memorandum of Understanding in their entirety into the record and spread them across the minutes. The Board agreed to honor Chairman Bell’s request. Mr. Hancock proceeded to read these two (2) documents as follows:

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STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION 2012 – 62

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CLAYTON COUNTY SHERIFF’S OFFICE FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS NECESSARY TO FULFILL CERTAIN OBLIGATIONS UNDER AN AGREEMENT BETWEEN THE SHERIFF’S OFFICE AND THE CLAYTON COUNTY BOARD OF EDUCATION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE MEMORANDUM OF UNDERSTANDING; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Sheriff’s Office previously entered into an Agreement with the Clayton County Board of Education (“BOE”) for the operation of a school security program; and

WHEREAS, the BOE is making payments to the Sheriff’s Office for the services rendered pursuant to said Agreement; and

WHEREAS, the Board of Commissioners now desires to increase the Sheriff’s Office budget to provide additional employees and equipment to enable the Sheriff’s Office to perform the requirements of said Agreement; and

WHEREAS, the Board of Commissioners deems it in the best interests of Clayton County and the County will be best served by entering into Memorandum of Understanding with the Sheriff’s Office for the reasons contemplated therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS  
OF CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY RESOLVED.

Section 1. The Board of Commissioners hereby authorizes the County to enter into a

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Memorandum of Understanding with the Clayton County Sheriff’s Office to increase the Sheriff’s Office budget to provide additional employees and equipment to enable the Sheriff’s Office to perform the requirements of an Agreement between the Sheriff’s Office and the Clayton County Board of Education for the operation of a school security program. Further, the Board of Commissioners hereby authorizes the Chairman to execute the Memorandum of Understanding and to perform all other acts necessary to accomplish the intent of this Resolution. The Board of Commissioners hereby authorizes the Director of Finance to provide for an appropriate revenue source and expense, all as may be required under the terms of the Memorandum of Understanding. The Memorandum of Understanding shall be in substantially the form attached hereto.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

\* SO RESOLVED, this the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\*NOTE: Once this resolution is approved, the above-listed blanks will be filled in as the 20<sup>th</sup> day of March 2012. Commissioner signatures will also follow for the execution of this resolution.

Next, Mr. Hancock read into the record the following Memorandum of Understanding that was attached to Resolution 2012-62. (NOTE: Blanks will be filled in upon execution of the MOU.)

**MEMORANDUM OF UNDERSTANDING  
BY AND AMONG  
THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA  
AND  
KEMUEL KIMBROUGH  
IN HIS OFFICIAL CAPACITY AS SHERIFF  
OF CLAYTON COUNTY, GEORGIA**

This **MEMORANDUM OF UNDERSTANDING**, (hereinafter “MOU”), entered into this the \_\_\_\_\_ day of \_\_\_\_\_ 2012, by and between the **BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA** (“BOC”), in its capacity as the governing body of Clayton County, Georgia, a political subdivision of the State of Georgia, and **KEMUEL KIMBROUGH, IN HIS OFFICIAL CAPACITY AS THE Sheriff of Clayton County, Georgia** (“Sheriff”).

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**WITNESSETH:**

**WHEREAS**, the BOC is the official governing body of Clayton County, Georgia, hereinafter the "County"; and

**WHEREAS**, the BOC annually establishes a budget for the operation of the office of the Sheriff and said budget allocates certain amounts for the payment of salaries to employees of the Sheriff including deputies employed by the Sheriff; and

**WHEREAS**, the Sheriff has entered into an agreement with the Clayton County Board of Education (the "BOE") to provide security for BOE property and facilities (the "BOE Agreement"); and

**WHEREAS**, the BOE is making payments to the Sheriff for the services rendered pursuant to the BOE Agreement; and

**WHEREAS**, the Sheriff has requested that the BOC increase the budget of the office of the Sheriff to provide additional employees and equipment to allow the Sheriff to perform the requirements of the BOE Agreement; and

**WHEREAS**, the BOC and the Sheriff have reached an agreement for the provision of additional funds for the Sheriff to perform the duties and responsibilities of the BOE Agreement under certain terms and conditions.

**NOW THEREFORE, IN CONSIDERATION OF THESE MUTUAL GOALS AND BENEFITS**, the parties agree as follows:

1.

The BOC shall approve an increase in the budget of the Sheriff of Clayton County, Georgia in the amount of \_\_\_\_\_, to be used in the performance of the duties of the Sheriff under the BOE Agreement as outlined on Exhibit "A" attached hereto and incorporated herein.

(NOTE: Mr. Hancock noted that the agreement amount has been left blank. The amount that the Board approved is \$4,444,259.00, and that is the total agreement being approved. The Finance Director may need to add an amount that is exclusively for the purpose under this agreement.)

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2.

The Sheriff shall pay over to the Director of Finance of Clayton County, Georgia all funds received by the Sheriff for the performance of any duties on behalf of the BOE within five (5) days of the date of this Agreement.

3.

The Sheriff shall pay over to the Director of Finance of Clayton County, Georgia any and all payments received by him after the date of this Agreement within five (5) days of their receipt by the Sheriff.

4.

In the event of the termination of the BOE Agreement at any time by either party, the Sheriff agrees that within five (5) days of the receipt of notice of termination of said Agreement, the Sheriff will request of the BOC and the BOC shall implement in accordance with the Rules and Regulations of the Civil Service System of Clayton County, Georgia a reduction in force in the office of the Sheriff equal to the number of employees assigned to perform duties under the BOE Agreement and that the

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BOC shall also reduce the budget of the Sheriff in an amount equal to the cost, including but not limited to the salary and all benefits, of the positions deleted. The Sheriff further agrees that if the Sheriff fails to make such a request, the BOC shall have the authority and the duty to amend the budget of the Sheriff by reducing said budget in an amount equal to the cost, including but not limited to the salaries and all benefits, of all employees assigned to the performance of the BOE Agreement.

5.

The Sheriff hereby waives and relinquishes any right to object to said reduction in his budget.

**IN WITNESS WHEREOF**, the parties have affixed their signatures on the day and year first above written.

**Clayton County, Georgia**

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**By:** \_\_\_\_\_  
Eldrin Bell, Chairman

Attest: \_\_\_\_\_ (SEAL)  
Shelby Haywood, Clerk

\_\_\_\_\_  
Kemuel Kimbrough, Sheriff, Clayton County, Georgia

**EXHIBIT "A"**

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Chairman Bell thanked the Board for its indulgence in hearing these documents read into the record.  
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Mr. Hancock requested an Executive Session (on a real estate purchase) following the business meeting tonight. The Board generally consented to conduct an Executive Session for the purpose stated.

**PUBLIC COMMENT:**

1. Judith Lannes, a county resident, suggested an alternative method to residents burning leaves in her subdivision (Hunter's Creek off McDonough Road). Per Ms. Lannes, Clayton County could make money by picking up leaves like other counties in northern Georgia. This method would be a healthier alternative to burning leaves. Residents would not be exposed to a haze and inhale a large amount of smoke as she and others do in Hunter's Creek. If the county could make money from the leaves pick-up, then maybe citizens' taxes will not increase. Chairman Bell told Ms. Lannes she had raised a legitimate question, and he thanked her for bringing this matter to the Board's attention.