

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

January 2, 2013

POST SUMMARY MINUTES

PRESENT: Chairman Jeff Turner, Vice-Chairman Michael Edmondson (newly appointed Vice-Chairman through approval of Resolution 2013-06), Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.

2. Invocation was led by Chaplain Stan Owens of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Turner. Following the pledge, Chairman Turner asked all past and present elected officials in attendance to stand and be recognized. He then asked Clayton County Police Officer Michael Hooks, who was injured on duty when he was hit by a vehicle, to stand and be recognized, and thanked him for what he does for the County. Chairman Turner concluded his acknowledgements by thanking former Chairman Eldrin Bell for making his transition into the office easier.

3. Prior to the vote on the adoption of the agenda, motion by Commissioner Hambrick, second by Commissioner Singleton, to move public comment to the beginning of the meeting for the purpose of hearing from constituents regarding the naming of the new Wole Ralph Recreation Center. The motion failed 3-2. Chairman Turner, Vice-Chairman Edmondson, and Commissioner Rooks opposed.

Clerk Haywood acknowledged both Chairman Turner and Commissioner Rooks in the first Board meeting of their tenures. Clerk Haywood then announced two changes to the meeting agenda: 1) Item No. 12, Resolution 2013-07 authorizing the County to enter into an agreement with Comcate, Inc., will be deleted and moved to the Regular Business Meeting agenda for January 8, 2013; and 2) Item Nos. 17-20 are up for a "First Reading" only, and will not be voted upon until the January 8, 2013 Regular Business Meeting. Vote unanimous.

Clerk Haywood added that there would be an Executive Session following the meeting to discuss litigation and personnel matters.

4. Approved the December 18, 2012 Regular Business Meeting minutes. The motion passed 3-0. Chairman Turner and Commissioner Rooks abstained.

5. Theodis Locke, Director of Central Services/Risk Management, presented one (1) item which resulted in the following Board action:

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1) Approved RFP Pkg. #12-30, a proposal to provide brokerage services for the administration of group life insurance and voluntary benefits for the employees of the Clayton County Board of Commissioners, as requested by the Director of Human Resources. The Director's recommendation is to award a contract to Alexander & Company, located in Woodstock, Georgia, with an approximate yearly fee of \$16,800.00 for the integration of a Health/Dental enrollment system. The fee is \$0.50 per eligible employee per month. Vote unanimous.

Chairman Turner asked the Board for consensus on voting on Resolutions 2013-01 through 2013-05 collectively, with the remainder of the resolutions/ordinances to be voted on individually. Consensus was granted.

6. Approved Resolution 2013-01 authorizing the County to provide for the designation of persons authorized to sign checks on a bank account of Clayton County; to authorize the Clerk to furnish the depositories of Clayton County public funds with a copy of this resolution together with the required specimen signatures; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

7. Approved Resolution 2013-02 authorizing the County to prescribe the depositories of public funds for Clayton County; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

8. Approved Resolution 2013-03 authorizing the County to provide for the authorization of the Director of Finance to deposit Clayton County funds into the local government investment pool; to authorize the Chairman and the Finance Director to execute any document necessary to carry out the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

9. Approved Resolution 2013-04 authorizing the County to provide for the designation of persons authorized to sign checks on a bank account of Clayton County (Witness Transportation Arrangements account); to authorize the Clerk to furnish the depositories of Clayton County public funds with a copy of this resolution together with the required specimen signatures; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

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10. Approved Resolution 2013-05 authorizing Clayton County to amend an Aging Subgrant contract with the Atlanta Regional Commission providing for services to be rendered in connection with older adult programs; to authorize the Chairman to execute the amendment(s) and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect appropriations and expenditures, and to transfer any required match of local funds, all as may be required under the terms of the amendment(s); to provide an effective date of this resolution; etc. Vote unanimous.

11. Approved Resolution 2013-06 providing for the designation of the Vice-Chairman for the Board of Commissioners; to provide for the term of office of the Vice-Chairman; etc. The motion passed 3-2 for Commissioner Michael Edmondson to serve as the Vice-Chairman for the Board of Commissioners. Commissioners Hambrick and Singleton opposed.

12. Resolution 2013-08 providing for a change in the name of the Wole Ralph Recreation Center to Lovejoy Recreation Center died for lack of a motion.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to rename the Wole Ralph Recreation Center the South Clayton Recreation Center. The motion passed 3-2. Commissioners Hambrick and Singleton opposed.

13. Approved Resolution 2013-09 authorizing Clayton County to enter into a professional services agreement with White Elm Group, LLC, providing for the terms and conditions under which auditing services will be rendered to the County; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of this resolution; 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 agreement; etc. The motion passed 3-2. Commissioners Hambrick and Singleton opposed.

Prior to the vote, Commissioner Hambrick asked that an email she sent to Board members earlier in the day be read into the record by Clerk Haywood:

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Mr. Chairman,

On numerous occasions during the recent campaign, you and Commissioner Rooks talked about the need for a forensic audit. One must assume you believe there is a need to determine whether fraud exists in some or all of the agencies of Clayton County. Please be assured that I share your commitment to uncover wrongdoing wherever it may exist. I am just as committed to ensuring that actions and expenditures are well thought out.

As a new commissioner, you might not be aware of these facts:

- 1. The State of Georgia requires a third party audit of county finances each year.*
- 2. The audit has just been completed.*
- 3. These auditing services are currently provided by Maulding & Jenkins, a nationally known and recognized accounting firm.*
- 4. We pay Maulding & Jenkins in excess of \$160,000.00.*
- 5. Our Finance Department has been consistently recognized for "Excellence in Financial Reporting" by the Government Finance Officers Association related to these annual audits.*

You are now asking this Board to enter into an agreement with a company to perform a more in-depth audit without providing us with the scope of work or most importantly how much it will cost. I know we could pay as much as \$300.00 per hour but we don't have any idea how many hours we will be paying for. Without any consideration of the five facts listed above, I would have a problem with entering into this agreement without more information. Given the above, I would ask you to consider this.

I recognize that the audit performed by Maulding & Jenkins is not a forensic audit in the technical sense of the word. However, the work they have done could indicate areas that might warrant a more in depth review. Before we commit to expending what could end up being hundreds of thousands of tax payer dollars, I ask that we at least wait until we have had time to hear and consider the results of the current audit. It just makes sense to do that.

Gail B. Hambrick

Following the reading of the email, Vice-Chairman Edmondson said the current audit of the County's finances had some discrepancies and asked if those had been addressed. Jack Hancock, Interim County

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Attorney, said that they had, but he did not know if the audit had been completed. Dennis Johnson, Budget Manager/Financial Analyst/Grants, verified that the audit had been completed.

Commissioner Rooks asked if moving forward with the Resolution would obligate the Board into paying a sum of money to White Elm Group, LLC. Mr. Hancock replied that the Resolution would require the Board to pay a retainer fee and all other subsequent work would be billed hourly.

Vice-Chairman Edmondson said he had not seen a budget report since last year and wanted to know where the County presently stands financially. Chairman Turner agreed and noted that, as part of a new leadership team that is accountable to County residents, he would feel more comfortable if he knew the entirety of the County's present financial outlook.

Commissioner Singleton said she wanted to know what a new audit would show that the Maulding & Jenkins audit did not. Chairman Turner responded a forensic audit would be more specific and would examine those areas the Board deemed necessary to be scrutinized in more detail. For clarification, Commissioner Rooks asked Chairman Turner if the entire Board would be allowed to indicate which departments warrant deeper financial scrutiny. He said that was correct.

14. Approved Resolution 2013-10 authorizing the County to provide for the repeal of Resolution 2011-110 and the abolishment of the position of County Manager; to provide an effective date of this resolution; and for other purposes. The motion passed 3-2. Commissioners Hambrick and Singleton opposed.

15. Approved Resolution 2013-11 authorizing the County to terminate the employment agreement with Wade Starr; to provide an effective date of this resolution; and for other purposes. The motion passed 3-2. Commissioners Hambrick and Singleton opposed.

Prior to the vote, Commissioner Singleton wanted the Chairman to clarify that the remainder of Mr. Starr's contract was being bought out. Chairman Turner said that it was, per the terms of Mr. Starr's contract.

Commissioner Hambrick asked if Mr. Starr would need to be reimbursed immediately, to which Chairman Turner responded that the Board has up to 30 days to satisfy the buyout, as stated in the contract.

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16. ***(First Reading; No vote taken.)*** Ordinance 2013-12 – An Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph I (b) (1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting forth the general provisions governing Clayton County government; to abolish the position of Chief of Staff; to create the position of Chief Operating Officer (COO); to provide an effective date of this ordinance; and for other purposes.

For clarification, Commissioner Hambrick asked if the County were going to hire a COO and buyout Mr. Starr's contract. Chairman Turner said that was correct.

17. ***(First Reading; No vote taken.)*** Ordinance 2013-13 – An Ordinance adopted under the Home 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, and specifically relevant sections of the Clayton County Civil Service Act and the Civil Service Rules and Regulations pertaining thereto; to provide for creation of the unclassified position of Chief Operating Officer; to provide an effective date of this ordinance; and for other purposes.

18. ***(First Reading; No vote taken.)*** Ordinance 2013-14 – An Ordinance adopted under the Home 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, and specifically relevant sections of the Clayton County Civil Service Act and the Civil Service Rules and Regulations pertaining thereto; to provide for creation of the unclassified position of Chief Financial Officer; to provide an effective date of this ordinance; and for other purposes.

Commissioner Hambrick asked Mr. Hancock if a new position were being created. He responded that this was the case.

19. ***(First Reading; No vote taken.)*** Ordinance 2013-15 – An Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph I (b) (1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting forth the general provisions governing Clayton County government; to create the position of Chief Financial Officer; to provide an effective date of this ordinance; and for other purposes.

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Commissioner Hambrick asked if the salary for the position had been stated. Mr. Hancock responded that it had not.

20. Approved Ordinance 2013-16 to amend the Clayton County Code, specifically Part II "Code of Clayton County Georgia," Chapter 2 "Administration" so as to delete Sections 2-35-05 and insert in lieu thereof a new Section 2-35-05; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. The Ordinance would move the Public Comment portion of the meeting to the beginning (prior to agenda items being discussed) and would extend the time granted to those giving public comments from two (2) minutes to three (3) minutes. Additionally, the Public Comment portion would be limited to 30 minutes. Any speakers who did not get the opportunity to speak would be rolled over to the next Regular Business Meeting. The motion passed 3-2. Commissioners Hambrick and Singleton opposed.

Prior to the vote, Vice-Chairman Edmondson asked if this would go into effect at the next meeting. Mr. Hancock said that it would.

Mr. Hancock concluded his presentation by noting that an Executive Session following the meeting would be needed for the purpose of discussing litigation and personnel matters.

21. Approved the reappointment of Ruth F. Ash, brought forth by Chairman Turner, and the appointment of Dorothy Hall, brought forth by Commissioner Rooks, to the Clayton County Board of Elections and Registration. Vote unanimous.

22. Approved the appointment of Terry Baskin (Tax Commissioner), brought forth by Vice-Chairman Edmondson, to the Solid Waste Management Authority Board. Vote unanimous.

23. Approved the reappointment of Sherry Hancock (Full Board), brought forth by Vice-Chairman Edmondson, and the appointment of Tamika Scott (Chairman's Designee) of Riverdale, Georgia, brought forth by Chairman Turner, to the Tourism Authority Board. Vote unanimous.

Prior to the vote, Vice-Chairman Edmondson asked if the positions were paid, to which Chairman Turner responded that they were not.

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PUBLIC COMMENT

- 1) Thomas Houston, of Riverdale, Georgia, congratulated Chairman Turner and Commissioner Rooks and invited Board members to a fundraiser for the wrestling program at Forest Park High School, where he is a volunteer coach, on Saturday, January 12th, from 10:00 a.m. to 5:00 p.m., at Forest Park High School.
- 2) Mayor Bobby Cartwright, of Lovejoy, Georgia, welcomed the new leadership to the Board.
- 3) Linda Crawley Simmons, of Hampton, Georgia, disagreed with the vote to change the name of the Wole Ralph Recreation Center.
- 4) Chuck Reich, of Jonesboro, Georgia, asked the Board to repair the numerous potholes he sees on Jonesboro Road, from Southlake Mall to the Courthouse.
- 5) Jessie Goree, of Riverdale, Georgia, welcomed the new leadership and, as a member of the Clayton County Board of Education, said she looked forward to working with the Board of Commissioners.
- 6) Vickie Warren lamented the lack of public transportation in Clayton County.
- 7) Hershel Trawick, of Hampton, Georgia, waived his right to speak.
- 8) David Hanson, of Riverdale, Georgia, disagreed with the vote to change the name of the Wole Ralph Recreation Center.
- 9) Karolen Mazyck, of Hampton, Georgia, disagreed with the vote to change the name of the Wole Ralph Recreation Center.
- 10) Meitie Smith disagreed with the vote to change the name of the Wole Ralph Recreation Center.
- 11) Michael Bryant, of Fayetteville, Georgia, urged the Board to move forward with integrity.
- 12) Joanie Twersky disagreed with the vote to change the name of the Wole Ralph Recreation Center.

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13) Kenneth Gilmore was not present.

14) Tonya Clarke disagreed with the vote to change the name of the Wole Ralph Recreation Center.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to go into Executive Session in the Commissioners' Conference Room to discuss litigation and real estate matters at 8:08 p.m. Vote unanimous.

Motion by Commissioner Singleton, second by Vice-Chairman Edmondson, to go out of Executive Session at 8:48 p.m. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:49 p.m. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to approve Chairman Turner as the County representative/liaison at the Local Option Sales Tax/Service Delivery Strategy negotiations. Vote unanimous.

There being no further business to discuss, motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to adjourn the Regular Business Meeting of January 2, 2013 at 8:50 p.m. Vote unanimous.