

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

January 5, 2010

POST SUMMARY MINUTES

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

1. Chairman Bell called the meeting to order.
2. Invocation led by Pastor E. J. Childs of Gillem Community Church in East Point, Georgia. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by adding a Proclamation (entitled "Clayton County 2010 Census Partner Proclamation"); adding Resolution 2010-03 (Authorizing the creation of the 2010 Census County Committee and designating Kim Siebert as its Chairperson); adding an Appointment to the Tax Assessors Board (The term of Edward L. Fahrenkamp expired on 12-31-09. New term is for three [3] years; expiring on 12-31-12); adding a Personnel Issue Discussion (presented by Interim Chief of Staff Alex Cohilas); and adding an Executive Session (regarding a personnel issue and litigation). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the minutes of the December 15, 2009 Regular Business Meeting, the December 22, 2009 Special Called Meeting, and the December 28, 2009 Special Called Meeting. Vote unanimous.
5. PROCLAMATION: "Clayton County 2010 Census Partner Proclamation" (presented to Janyce Hughes, Partnership Specialist/U.S. Census Bureau and Kim Siebert, Director of Cooperative Extension Service). Clerk Haywood read the proclamation for the benefit of the audience, and a group photo was taken.
6. Approved the nomination of Commissioner Wole Ralph as Vice-Chairman of the Board of Commissioners.
7. Rod Gray, Director of Central Services, presented the following items which resulted in these actions:
 - 1) Approved Consulting Services for Disparity Study for Clayton County (RFP Pkg. #08-62). This proposal was requested by the Board of Commissioners, and the Board received a bid tabulation summary of the short listed firms. Vote unanimous.

The evaluation committee, consisting of county representatives from the Staff Attorney's Office, the Human Resources Department, the Court Administrator's Office, Central Services, and the Fire and EMS Department, has reviewed all the proposals. The recommendation is to award the contract to Mason Tillman Associates, Ltd. located in Oakland, California, with the highest score of 521.10 and the fee of \$353,946.00.

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2) Approved a Vision Benefits Plan – Group Voluntary Employee Vision Coverage (RFB Pkg. #08-64). The purpose of this project is to obtain a benefit program from a qualified firm for a voluntary vision coverage plan for the county’s employee group (including retirees) at no cost to the county. Vote unanimous.

The bids for this project were evaluated by Renee Bright, Director of Human Resources, and her staff. The recommendation is to award this project to Davis Vision represented by Houze & Associates, Inc. located in LaGrange, Georgia. This recommendation includes choosing Davis Vision as the provider for the County’s group voluntary employees’ and retirees’ vision coverage plan with the following rate schedule: Employee Only -- \$6.46, Employee + One -- \$11.62, and Family -- \$18.07.

3) Approved an annual contract for the Inmate Pay Phone System (RFP Pkg. #09-35), as requested by the Sheriff’s Office. The evaluation committee, consisting of county representatives from the Sheriff’s Office, Information Technology, and the Finance Department, has reviewed all the proposals. The recommendation is to award the contract to Legacy International, Inc. located in Cypress, Georgia, with the highest score of 462.1 and the commission fee of 60% to be paid to the county. Vote unanimous.

4) Approved an annual contract for an indefinite quantity of Security Mattresses for the Detention Facility (RFB Pkg. #09-44), as requested by the Sheriff’s Office. Sheriff Kem Kimbrough and his staff reviewed and evaluated the bid. The recommendation is to award the contract to Georgia Correctional Industries located in Decatur, Georgia. This firm is the lowest bidder of security mattresses, with a cost of \$37.00 each 100% Cotton Cover; and \$39.00 each 100% Densified Polyester Cover. Vote unanimous.

5) Approved a purchase request for additional Access Control Equipment and the monitoring and reporting services for the controlled access points (Purchase Requisition #11612) to be installed at the Administrative Building at 112 Smith Street. Vote unanimous.

The recommendation is to waive the sealed bid requirement and purchase the equipment and services as a sole source from Security 101, located in Marietta, Georgia. A sole source purchase is requested in order to tie into existing equipment and to utilize existing software and maintenance agreements. The failure to utilize a certified vendor for the installation and coordination with existing systems and software would result in voiding both the manufacturer’s and service warranties. Security 101 is the certified vendor for the requested access control system for the region. The cost of this equipment is \$31,341.95, and funds are available in the Building and Maintenance budget.

8. Approved Resolution 2010-01 – A Resolution providing for the designation of persons

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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.

9. Approved Resolution 2010-02 – A Resolution authorizing Clayton County to accept forfeited vehicles from the Clayton County Police Department investigations; to authorize the Director of Central Services to effect the sale of said vehicles as surplus items; to authorize the disbursement of proceeds from the sale of such property; and for other purposes. Vote unanimous.

10. Approved Resolution 2010-03 – A Resolution authorizing the creation of the 2010 Census Complete County Committee (designating Kim Siebert as its Chairperson); to provide an effective date of this resolution; and for other purposes. Vote unanimous.

11. Approved the appointment of Ms. C. Synamon Baldwin to the Tax Assessors Board. Her term will be for three (3) years; expiring on December 31, 2012. The motion carried 3-2; Chairman Bell and Commissioner Edmondson opposed.

12. PERSONNEL ISSUE DISCUSSION – PRESENTED BY INTERIM CHIEF OF STAFF ALEX COHILAS (Verbatim) –

Mr. Chairman, Commissioners:

I need to make you aware of certain developments which have transpired over the last six or seven days that have to do with reported actions and activities of the former police chief of the Clayton County Police Department. On December 29th, allegations arose within the department regarding an electronic surveillance device which was found not being inventoried. From that discovery and the subsequent return of that device to the Police Department later on that day by the former police chief, certain allegations arose from top sworn officers within the Police Department. Those allegations (on which they were summarized) came in the form of reports, memorandums, and sworn statements. The officers reported that, sometime in October of 2009, the former police chief had ordered that an electronic surveillance device be removed from the Narcotics Unit and brought to his office. The manner in which he asked for the device be brought to him raised some red flags within the unit. First, he demanded total secrecy (according to the reports he demanded total secrecy) and instructed the officer which provided the device not to speak of it to anyone including their immediate supervisors. He asked certain questions about the monitoring capability of the device, who would have access to it, and various questions which raised the concerns immediately of this officer as to whether or not the device would be used in a legitimate public safety function for which it was purchased. He requested that a new laptop be brought to his office because he wanted to monitor the device both by his personal computer on his desktop and his laptop. The laptop which he had did not fund this particular

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monitoring software. Several questions arose as to why the chief of police had asked...the former chief of police had asked this be brought to him and it not following...those requests not following standard procedure; i.e., this being assigned to a case number. All this led initially for the officer to be concerned that it was not going to be used in a legitimate public safety function. On the 29th when Mr. Turner returned the device, he made a request which further heightened the concerns of the officer. He asked...according to reports... he asked the officer how to erase the electronic data which had been captured on the device. This is an electronic surveillance GPS device which is used by Narcotics Units when they are conducting surveillance on suspects and those who are engaged in criminal...suspected of being engaged in criminal activity. It logs the precise movements of the vehicle, where it goes, you know...how long it has been stopped at a particular address...all that sort of data...it's captured in the device. The officer was highly alarmed that the former police chief was asking him to erase data. He did not comply with the wish but he led the former police chief into believing he had erased the data when in fact he did not erase the data. When the item was discovered missing on the 29th, questions arose – Where is it?...Why wasn't...Why wasn't it checked out of inventory?...etc., etc. The officer who had been previously sworn to secrecy by the former police chief felt compelled to come forward and express to his superior officer that he had been instructed by the former police chief not to report it. That triggered a series of memos, memorandums, statements taken by officers that had knowledge...all of that was forwarded up through the chain of command...through Deputy Chief (Greg) Porter to the Interim Chief of Police Tim Robinson. It was brought to my attention around 5:00 (p.m.) on the 29th. Based on concerns offered as to whether or not such activities or actions, decisions or comments, could constitute either a legal or illegal act, I reached out to the Clayton County District Attorney. I did so in the form of a memo and forwarded to her the statements...sworn statements...and whatever memorandums...internal memorandums that were available. Ms. Tracy Graham Lawson, the Clayton County District Attorney, returned a memo on December 31st...a letter...addressed to me which I would like to read to you:

Dear Chief Cohilas,

On December 31, 2009 (*she had received it earlier in the day*), you provided my staff with copies of memorandums and sworn affidavits signed by members of the Clayton County Police Department concerning actions and activities of former police chief Jeffrey E. Turner. Based on the information provided in those memorandums and affidavits, I find that they form the factual basis to request an investigation be conducted to determine if Turner violated the criminal laws of the State of Georgia in regard to Theft by Taking (O.C.G.A. 16-8-2), Stealing, altering, etc. of public documents (O.C.G.A. 45-11-1), Violation of oath by public officer (O.C.G.A. 16-10-1), and Tampering with evidence (O.C.G.A. 16-10-94). With contact of additional witnesses, an investigation regarding violation of O.C.G.A. 16-11-62, Unlawful eavesdropping and surveillance, may be warranted.

On January 4, 2010, I will examine the options available to determine what should be done to insure that a fair and impartial investigation is conducted in this matter. My

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staff has taken custody of items from the Clayton County Police Department that may have evidentiary value in the investigation.

Should you have any further questions, please do not hesitate to call me or my Chief Administrator, Dennis Baker.

Sincerely,

/s/ Tracy G. Lawson

District Attorney, Clayton Judicial Circuit

PUBLIC COMMENT:

1. Gary Williams, a concerned citizen, voiced his utter disappointment and total dissatisfaction regarding the manner in which the Board acted to demote Jeff Turner from police chief to director of a police academy. According to Mr. Williams, this action took place while the majority of county citizens had no knowledge of it. He believed the Board's public announcement of the demotion was a violation of privacy and questioned if this were really a "personnel matter." Mr. Williams further stated that the Board only allowed one (1) business day for Mr. Turner to prepare a response and that was "unreasonable." It took only thirty minutes for five (5) people (commissioners) to review and discuss a twenty-seven page rebuttal, and a decision followed without due consideration. Mr. Williams felt the Board's demonstrated arrogance and lack of concern/consideration for the will of the people in this matter was reprehensible. He was personally troubled by what he thought was the absence of due process in this matter. Per Mr. Williams, even the most hardened criminal caught in the act of committing a crime has the right to state his case and receive a fair evaluation of presented evidence. He prayed that, going forward, the commissioners would act in a manner that is acceptable to the citizens who elected them.

2. Wayne Madden expressed gratitude for the marked improvement in traffic control he had recently seen in the River's Edge Subdivision. For the record, Mr. Madden stated that he was completely satisfied with the manner in which the Board handled the Jeff Turner issue. He felt the Board acted efficiently and made the decision in a business-like manner. Business people like himself understood that, and he knew the Board gave Jeff Turner due consideration. Mr. Madden also said he knew Chairman Bell (who was a former chief of police) would never associate himself with activities such as those allegedly committed by Jeff Turner. He concluded that the Board, without question, had his total support.

Following an Executive Session in the Commissioners' Conference Room, the Board reconvened the Regular Business Meeting in the Commissioners' Boardroom and requested that Mr. Michael Smith, Chief Staff Attorney, read three (3) motions to be voted upon separately. Those motions and votes were as follows:

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Approved a motion to place Police Academy Director Jeff Turner on unpaid administrative leave for up to four (4) weeks in accordance with Section 5.458 of the Civil Service Rules. Vote unanimous.

Approved a motion for the Chief of Staff, Human Resources Director, and Legal staff to conduct a complete administrative investigation (as directed by the Board). Vote unanimous.

Approved a motion to place Captain Rebecca Hollingsworth as the Interim Director of the Police Academy during the period that Director Jeff Turner remains on administrative leave. Vote unanimous.