

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

July 6, 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 Rev. Charles W. Grant of Community Services Authority, Inc. in Forest Park, Georgia. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by adding Resolution 2010-143 (A Resolution to identify and provide for the return to the county of certain county-owned vehicles; two [2] vehicles from the Tax Commissioner's Office to be returned to Fleet Maintenance as of 4:30 p.m. on July 7, 2010); adding a discussion item on the county's hiring freeze led by Interim Chief of Staff Alex Cohilas (general consensus was given to add the discussion item); and deleting items #10 and #11 pertaining to board appointments (Appointment to the DFACS Board. The term of Frances Sellars expired on 6-30-10. New term is for five (5) years; expiring on 6-30-15. Appointments to the Clayton County Library Board. The terms of Brenda Morant and Beth Holcomb expired on 6-30-10. New terms are for three (3) years; expiring on 6-30-13). Clerk Haywood noted that there would be an Executive Session following the meeting regarding litigation and possible acquisition of real estate. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the June 15, 2010 Regular Business Meeting minutes and the June 22, 2010 Public Hearing on the Proposed FY-2011 Budget minutes. Vote unanimous.
5. PROCLAMATION: "Clayton County Observes July 2010 as Parks and Recreation Month" (presented to Detrick Stanford, Director of Parks & Recreation, and staff). (NOTE: Clerk Haywood read the proclamation for the benefit of the audience. Group photos were taken afterwards.)
6. Rod Gray, Director of Central Services, presented the following item which resulted in this action:
 - 1) Approved a request for Clayton County Alarm and Sprinkler Systems Inspections & Services Annual Contract (RFB Pkg. #10-21; 6/11/10). This bid is for an annual contract for alarms and sprinkler systems inspections and services, as requested by the Building and Maintenance Department. The bids were reviewed and evaluated by Les Markland, Interim Director of the Building and Maintenance Department. Mr. Markland recommended to award a contract to Alliance Fire Protection Services, Inc. located in Loganville, Georgia, whose firm is the lowest overall bidder. Vote unanimous.
7. Approved Resolution 2010-140 authorizing Clayton County to convey interest in certain property located at 667 South Avenue; to authorize the Chairman to execute the deed of

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conveyance together with any other document(s) 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; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

8. Approved Resolution 2010-141 authorizing Clayton County to support the re-development of the Baywood Apartments and endorse the application of First Atlantic Capital for an allocation of tax credits to the Georgia Department of Community Affairs; to authorize the Chairman to perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

9. Approved Resolution 2010-142 authorizing Clayton County to enter into an inter-governmental agreement with the City of Morrow's Downtown Development Authority for the construction of parking facilities at the Olde Towne Morrow Development; 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 the appropriations and expense relating thereto; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

10. Approved Resolution 2010-143, A Resolution to identify and provide for the return to the county of certain county-owned vehicles; two [2] vehicles from the Tax Commissioner's Office to be returned to Fleet Maintenance as of 4:30 p.m. on July 7, 2010. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed. (NOTE: Commissioner Edmondson noted that he had just received a copy of this resolution in the pre-meeting and did not have a copy of the Vehicle Use Policy to reference. He requested that the study results from this resolution, upon completion, be made available to the Board; i.e., number of vehicles per department and number of miles driven, etc.)

Chief Staff Attorney Michael Smith requested an Executive Session following the meeting to discuss litigation and a potential real estate acquisition.

11. Accepted a street light petition for Ashland Estates (Ash Court) in District 2/ Commissioner Gail Hambrick; 1 addition; AG, 150w hps lights. Vote unanimous.

DISCUSSION: County's Three (3)-Month Hiring Freeze and Furlough Days (led by Interim Chief of Staff Alex Cohilas).

Chief Cohilas acknowledged that a number of questions had arisen regarding the hiring freeze

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and furlough days that were a part of the FY-2011 budget adoption last week. The first question that came up today was about the continuation of posting jobs on the county's website. He recommended that the Board authorize Renee Bright, Human Resources Director, to take down those job postings in order to avoid confusion within departments. Chief Cohilas added that he had received e-mails this morning from elected officials regarding whether this would be a "hard freeze" for all positions. The second question is how to deal with requests to fill positions that would have a key operational impact; i.e., reaching a critical shortage of employees to perform all the shifts in the E-911 Section during the next three (3) months. He believed that the Board should allow the department directors who have key operational requests to bring those requests to him, and he would present them to the Board for review and approval on a case-by-case basis. This would be especially important in those cases that could have a negative impact on the departmental operation.

Commissioner Hambrick questioned how often that would happen or if it had happened a lot in the past.

Chief Cohilas responded that some department directors are concerned because they are already short of staff. The E-911 Section just came to his mind as an example. Although the county does not currently have a shortage in emergency services, it is possible that it could occur in the next three (3) months. When the budget amendments were put together, the goal was to manage through the hiring freeze and the lapse. The hiring freeze goal was to save an excess of \$300,000.00 per month. As the county continues to monitor monies from month-to-month to see if the goal contemplated in the budget can be accomplished, Chief Cohilas stated that the Board's hiring freeze decision may be impacted. Foremost, a key department such as E-911 is one that the Board would not want to see fall below its operational level. He was just trying to find a logistical way to deal with the hiring freeze. His suggestion would be to gather the requests for exceptions to the hiring freeze from the various departments and bring them to the Board for final consideration.

Vice-Chairman Ralph asked Chief Cohilas if he were bringing other related items to the Board at this time. Chief Cohilas answered that another concern would be key operational hiring decisions. He was aware that some departments extended jobs to people who have now left their former jobs and expect to start work. If there is a change to that policy, he needed to know what it would be.

Chairman Bell affirmed that there are departments, such as the District Attorney's Office, that need a court to start up. District Attorney Lawson informed him today that she does not have a lawyer for that court. If he and the Chief of Staff are given a direct amount of what is to be claimed by a certain time, they can work toward that amount but they should still be allowed to hire people as needed in critical positions. Most department directors, including the county's elected officials, do not know when some people will leave jobs or when some may be fired and they need to be replaced immediately. E-911 is one of those areas. Chairman Bell suggested that when E-911 has critical needs, it should start looking at the potential of hiring some persons

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part-time and begin to pull from that group as long as they meet the required standards to get up to speed. Other departments can do the same, if necessary. If the Board wishes for Chief Cohilas to bring requests back to it to make a decision, that is O.K. with him but the process is going to put the county's operations in jeopardy.

Vice-Chairman Ralph voiced that in order for the budget to be balanced and make sense, the county must realize some savings – particularly in the area of personnel. When the county looked at the \$9 million hole in the budget, personnel was an area that needed to be seriously reviewed. According to Vice-Chairman Ralph, there is not much leeway in terms of these hiring positions. He admitted that emergency situations will certainly come up and the Board recognizes that they will need to be addressed. Vice-Chairman Ralph asked that the Board take a “hard look” at these positions and that only urgent situations be considered. Otherwise, everyone will end up having an emergency in the area of personnel and it will become a problem. The Board needs to ensure that such requests are vetted fairly by the Chief of Staff; that the Chief of Staff has a real discussion regarding needs with the department head making the recommendation; that the department head be very conservative in the recommendation that is being brought forward to the Chief of Staff; and finally that the requests be presented to the Board for approval. That is the process he would recommend to be in place to handle such requests. Vice-Chairman Ralph believed that all of these steps needed to be taken because the goal is not to pass a budget document that has a hiring freeze as one of the goals and then to just undo it. The Board wants to make sure that everybody understands the gravity of the hiring situation, and that department heads realize that they are crucial to the implementation of this budget. He emphasized that the Board is going to rely heavily on the judgment of department heads about filling urgently needed positions. The Chief of Staff needs to vet those to make sure there is no other alternative and all other opportunities have been exhausted about how to fill those positions. After these procedures have been followed, the requests can then come to the Board (based on the Chief of Staff's recommendation).

Commissioner Edmondson asked if that were how the procedure was now anyway.

Vice-Chairman Ralph replied that there was no outlined process. Chief Cohilas commented that the county had not had a hiring freeze.

Commissioner Edmondson stated that if Chief Cohilas brought an item forward to the Board for consideration, he presumed that Chief Cohilas would have already vetted it and done his homework.

Chairman Bell agreed with Commissioner Edmondson but, per the county's regulations, there is a requirement for the Chairman to sign off on each one of those requests to hire as well as to post job openings. He requested that a motion be made that the requests would come before the Board as Vice-Chairman Ralph has decided instead of exercising the former process. Chairman Bell also said he would like to include promotions in coming over to the Board for approval. Vice-Chairman Ralph said the promotions that are impacting monies in the county do need to

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come before the Board for review/approval. Chairman Bell said they all impact monies, so that is why he asked the question.

Commissioner Edmondson stated that he was not arguing the point; however, asking for consent to bring back exceptions to the budget is just consent. He did not think passing a resolution for requests to come before the Board would be a necessary step.

Vice-Chairman Ralph voiced that a budget amendment is different from what is being contemplated here regarding the hiring freeze. The budget is not being amended, per se; this matter is about emergency requests to fill positions.

Commissioner Edmondson commented that the Board did not change the budget policy either. He just wondered if a resolution were necessary in this case or if the Board were just giving Chief Cohilas consent for direction regarding the presentation of exceptions to the hiring freeze.

Vice-Chairman Ralph felt that no resolution was necessary. The Board just needed to outline the process.

Chief Cohilas stated that he needed clarification. Chairman Bell and Mr. Smith confirmed that no resolution was necessary. Chairman Bell asked that it be spread across the minutes that the Board is giving direction for the Chief of Staff to bring back any matters that impact money in the county. Chief Cohilas added that the requests would be properly vetted before they were presented to the Board for review/approval. Chairman Bell noted that some items that Ms. Bright brought forward were just for name changes and the like.

Commissioner Edmondson asked if the Board would give the Chief of Staff consensus to take down the job postings on the website. The Board then gave consent to the Chief of Staff to follow that direction.

Vice-Chairman Ralph pointed out that when the Board passed the budget, there were some documents that addressed organizational operating. He asked Mr. Smith if the Board gave authority to the Finance Director and the Chief of Staff to handle reorganizational processes with the departments. Mr. Smith stated that he did not recall that information, and he would have to review the documents. Vice-Chairman Ralph thought that the Board had empowered the Chief of Staff and Finance Director to accomplish the intent of some of the departmental matters. Commissioner Edmondson answered that the Board passed a resolution that authorized them to amend their Vehicle Use Policy and personnel policies without bringing those matters back to the Board. Chief Cohilas recalled that he was also given instructions regarding the closing of the Police Academy and following Civil Service rules to the letter.

Commissioner Edmondson asked for a legal opinion from Mr. Smith regarding whether this Board can delegate its authority to amend various policies without bringing those amendments back (to the Board).

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Mr. Smith responded that the Board voted on Resolution 2010-138 which basically directed the Chief of Staff and Finance Director to review various county policies. Commissioner Edmondson interjected that the word "amend" was also in that resolution. Mr. Smith further stated that the resolution gave direction to amend the Vehicle Use Policy; direct the Chief of Staff to notify the State that the County intends to close the Police Academy; Section 2 amends the Clayton County Vehicle Use Policy to provide that take home vehicles assigned to elected officials by the County shall be limited to the Chairman of the Board of Commissioners and elected officials and their employees that are involved in law enforcement activities including the Sheriff, District Attorney, and Solicitor General; Section 3 directs the Director of Finance to review the County's pension plan and bring forth recommendations to reduce both the County's expenditure and pension liabilities. Additionally, the Board further directs the Director to ask the Pension Board to investigate the County's pension plan and the feasibility of amending the plan to prohibit individuals who are members of any state pension plan from participating in the County's pension plan; and Section 4 directs the Director of Finance, Director of Transportation, and the Chief of Staff to take whatever steps are necessary to increase the Assessments for street lights.

Commissioner Edmondson surmised that the resolution did not mention personnel whatsoever. The only policy it allowed to amend was the Vehicle Use Policy without Board consideration. Mr. Smith said that was correct. From a legal standpoint, Commissioner Edmondson inquired if that were appropriate or not. Mr. Smith replied that the resolution only amended the Vehicle Use Policy. It did not require the Chief of Staff to make the amendment. He promised to review the resolution and come back with additional recommendations.

Commissioner Edmondson agreed with Vice-Chairman Ralph's point that the resolution did not authorize anybody to look at the personnel policy; therefore, if Chief Cohilas needs direction to take that off the website, then he guessed it would be at the Board's leisure. The Board then gave Chief Cohilas general consent to take the job postings off the website.

PUBLIC COMMENT:

1. Mr. Wayne Madden stated that he was present when the Board discussed the budget woes recently. He felt that the Board should offer incentives for those who reside in Henry County to move back to Clayton County. This county needs to bring back businesses, so he advised that the commissioners talk to venture capitalists to attract businesses. The corridor of I-75 is presently a set-up for drug imports/exports. This county will continue to have legal problems if it does not keep its nose clean. It will, however, keep its nose clean with a Chairman like Eldrin Bell. Clayton County should strive to keep its business straight and its approach simple, including its accounting and legal work. Mr. Madden advised the Board to talk to voters about electing persons who will not be bringing shenanigans to the county.