

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

September 6, 2011

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. Leon Beeler of the Clayton County Ministers Association. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding Resolution 2011-128 (Authorizing Clayton County to enter into Articles of Agreement with certain community charitable organizations, governmental agencies, and professional service providers located and conducting business in Clayton County). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous. Clerk Haywood announced that the Executive Session on tonight's agenda pertained to litigation and personnel matters.
4. Approved the minutes of the August 16, 2011 Regular Business Meeting. The motion carried 4-0-1. Commissioner Edmondson abstained due to being absent from this meeting.
5. PROCLAMATION: "Clayton County Honors Chef Margaret June, Culinary Arts Teacher of the Year" (presented by Commissioner Gail Hambrick).
6. PROCLAMATION: "Clayton County Honors Deborah J. Lazarus, Community Activist" (presented by Vice-Chairman Wole Ralph).

[NOTE: Group photos were taken for the proclamation presentations. Clerk Haywood read the proclamations for the benefit of the audience.]

7. Rod Gray, Director of Central Services, presented the following items which resulted in these actions. (NOTE: The Board voted on all of these items at once.)

- 1) Approved Consulting Services for Clayton County Disparity Study, Phase II (RFP Pkg. #08-62; 9/14/2009). Vote unanimous.

The award of this project was presented and approved by the Board of Commissioners on January 5, 2010 to establish a contract with Mason Tillman Associates, Ltd. for consulting services to conduct a disparity study for Clayton County.

The first phase of the study has been completed. This request is for the approval of Phase II of the study to begin and to formulate remedies for the findings of Phase I of the Disparity Study. Funds were previously encumbered for this project in the amount of \$63,270.00. Vote unanimous.

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2) Approved SPLOST Construction Management at Risk Services for the Clayton County Lovejoy Recreation Center and South Police Precinct (RFP Pkg. #10-41; 6/14/2011). Vote unanimous.

The evaluation committee, consisting of employees from the departments of Parks and Recreation, Police Department, and Information Technology, has reviewed all proposals. Their recommendation is to award the contract to The Winter Johnson Group located in Atlanta, Georgia, with the highest score of 493.50 and at the estimated GMP (Guaranteed Maximum Price) of \$6,907,590.00.

3) Approved Inmate Food Services for the Clayton County Sheriff's Office, Annual Contract (RFP Pkg. #11-14; 5/17/2011). Vote unanimous.

The evaluation committee, consisting of the Sheriff's Office, Senior Services, and the County Extension Department, has reviewed all proposals. The recommendation is to award this project to Aramark Correctional Services, located in Downers Grove, Illinois, whose firm had the highest score of 454.30 and the lowest average meal cost of \$0.82.

4) Approved a Purchase Requisition (P.R. #00010458) for two (2) 2012 Chevrolet Tahoe Police Version vehicles, as requested by Fire & EMS. Vote unanimous.

The request is to waive the sealed bid requirement and utilize State Contract #SWC90796, and purchase from Hardy Chevrolet Fleet Sales located in Dallas, Georgia. The purchase amount for each vehicle is \$25,709.00, and the total purchase amount is \$51,418.00. This purchase is funded by the Fire Fund.

5) Approved a Purchase Requisition for DELL Optiplex Desktop Computers, Laptops and Accessories (P.R. #10513). Vote unanimous.

This equipment is requested by Court Administration. The vendor for this State Contract #SWC90814-01 purchase is DELL Computer Corporation located in Round Rock, Texas. This purchase amount for the computers is \$34,950.00. Funding is available in the department's General Fund budget.

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<b>QTY.</b>	<b>DESCRIPTION</b>	<b>PRICE</b>	<b>TOTAL</b>
8	Optiplex 790 PC	\$ 930.00	\$ 7,440.00
20	Optiplex 790 PC Flat Screen	\$ 900.00	\$18,000.00
3	Latitude E5520 Laptops	\$1,257.00	\$ 3,771.00
3	Inspiron One 2305 Desktop	\$ 769.00	\$ 2,307.00
4	Vostro 3550 Laptop	\$ 769.00	\$ 3,076.00
1	Windows 7 Upgrade	\$ 86.00	\$ 86.00
2	Batteries – Latitude EXX20	\$ 135.00	\$ 270.00
	<b>TOTAL</b>		<b>\$34,950.00</b>

8. Angela Jackson, Director of Finance, submitted the following budget amendments and refund requests which resulted in these actions. (NOTE: The Board voted on all of these items at once.)

1) Approved Budget Amendment #2-42 (Various Departments) for FYE 6-30-11, in the amount of \$307,825.00, to cover additional salary expenses in various departments and decrease unused salary expenses. Vote unanimous.

2) Approved Budget Amendment #4-59 (Fund 306 – Roads & Recreation Projects) for FYE 6-30-11, in the amount of \$57,238.00, for a change order request for Trammell Road @Old Rex-Morrow Road Project. The Board approved this request in the June 7, 2011 Regular Business Meeting. Vote unanimous.

3) Approved Budget Amendment #4-62 (Reimposition SPLOST Projects 2009) for FYE 6-30-11, in the amount of \$3,238,181.00, for construction costs and other costs necessary in getting the Juvenile Justice Center Complex ready for use. Vote unanimous.

4) Approved Budget Amendment #4-70 (Fund 307 – Reimposition SPLOST Projects) for FYE 6-30-11, in the amount of \$461,326.00, to establish the budget for the Cisco Interoperability and Collaboration digital radio system. Vote unanimous.

5) Approved Budget Amendment #4-73 (Fund 306 – Roads & Recreation SPLOST Projects) for FYE 6-30-11, in the amount of \$2,483,184.00, to cover overruns to SPLOST Projects. Vote unanimous.

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6) Approved Budget Amendment #2-2 (Fire Department) for FYE 6-30-12, in the amount of \$55,162.00, to carry forward FY-2011 balance to FY-2012 of State funds allotted for facility upgrades to fire programs currently taught through College Accredited training. Vote unanimous.

7) Approved Budget Amendment #2-3 (Parks & Recreation) for FYE 6-30-12, in the amount of \$36,583.00, to carry forward a donation accepted in Resolution No. 2011-71. Funds will be used to relocate a fire tower to the Reynolds Nature Preserve. Vote unanimous.

8) Approved Budget Amendment #2-4 (Library) for FYE 6-30-12, in the amount of \$19,206.00, to carry forward Universal Service Discount funds received from AT&T in FY-2011 and recognize revenue from the same source in FY-2012. These funds will be used for fiber optic upgrades at libraries. Vote unanimous.

9) Approved Budget Amendment #2-5 (Sheriff) for FYE 6-30-12, in the amount of \$48,045.00, to recognize Federal Equitable Sharing funds received and allow for purchase of equipment for new vehicles. Vote unanimous.

10) Approved a Request for Refund (Closed Business) for overpayment of a business license for the following:

Vision Tutoring  
Attn: DiYonna Mitchell  
6282 Duran Court  
Morrow, GA 30260

Amount of Refund – \$1,683.35

Vote unanimous.

11) Approved a Request for Refund (Business License Credit) for overpayment of business license fees (business closed July 1, 2010) for the following:

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Thornton, Charles Anthony  
DBA: Landmark Plumbing  
6815 Crescent Drive  
Norcross, GA 30071  
Amount of Refund – \$397.71

Vote unanimous.

- 12) Approved a Request for Refund (Duplicate Booth Rental) for the following:

Sherri R. Ellis  
3046 Carriage Trail  
Jonesboro, GA 30236

Amount of Refund – \$75.00

Vote unanimous.

9. Renee Bright, Director of Human Resources, presented the following item which resulted in this action:

- 1) Approved a Request from Rodney McDaniel, Chief Appraiser, for three (3) additional appraisers to process the increasing number of property tax appeals brought on by new state mandates.

Vote unanimous.

The Board of Assessors has processed more than 14,000 appeals over the last two years. Tax Year 2010 had a record number of appeals (6,000), only to be surpassed by this year's numbers (8,700). As of May this year, more than 497 appeals have been filed to Superior Court over the last two years, many of which remain unsettled. More than 3.4 billion dollars in value was appealed this year alone. Ten staff appraisers are tasked with preparing for court, handling BOE appeals, field checks and the administrative duties associated with the appeals process. Currently, commercial staff appraisers average 470 appeals each and residential 1,035 per appraiser. It is anticipated that Tax year 2012 will generate 10,000 to 11,000 appeals. In order to manage current year and future year appeals in a timely fashion, one commercial and two residential appraisers are truly needed.

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IMPACT: The two Residential Appraiser I positions along with benefits are estimated at \$86,520.00, and the one Commercial Appraiser III position with benefits is \$51,390.00. Without additional staff to process and manage prior, current, and future appeals, the county's final digest figures will be delayed.

10. Approved Resolution 2011-133 authorizing Clayton County to exercise its powers of eminent domain in accordance with provision of GA laws for the purpose of acquiring certain properties for use by the Clayton County Transportation and Development Department for the Panola Road Widening Project (*Parcel No(s). 82, 84, 86, 63, 69, 73, 51, 57, 58, 59, 60, 13, 29, 30, 42, 44, and 46*). Vote unanimous.

11. Approved Resolution 2011-134 authorizing Clayton County to execute a Local State Route Acceptance Resolution and a Contract for Maintenance of Highways with the Department of Transportation, State of Georgia related to the acquisition of right-of-way for the Anvil Block Road Widening Projects, No.'s STP00-00MS-00(342) and MSL00-0004-00(638). Vote unanimous.

12. Approved Resolution 2011-135 authorizing Clayton County to enter into a Resurfacing Contract with the Department of Transportation, State of Georgia providing for the terms and conditions under which 6.82 miles of roadway will be resurfaced in unincorporated Clayton County per Contract No. C38740-11-000-0. Vote unanimous.

13. Approved Resolution 2011-136 authorizing Clayton County to execute a Project Agreement with the Department of Transportation, State of Georgia for the Transportation Enhancement Project, CSTEE-0009-00(148) Highway 138 Landscaping. Vote unanimous.

14. Approved Resolution 2011-137 authorizing Clayton County to enter into a Mutual Aid and Automatic Air Response Agreement with Fayette County, Georgia providing for the terms and conditions under which supplemental fire suppression and protection will be rendered to the other, and for joint training exercises. Vote unanimous.

15. Approved Resolution 2011-138 authorizing Clayton County to enter into a License Agreement with Rainbow House, Inc. providing for the terms and conditions under which the "2011 Festival of Trees and Lights" event will be conducted at the Clayton County International Park. Vote unanimous.

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16. Approved Resolution 2011-139 authorizing Clayton County, on behalf of the Clayton County Parks and Recreation Department, to grant a Special Facility Use Request for Rotary Club of Clayton County, Inc. to sponsor and host an all-night sleep-over for international college students at the Clayton County International Park. Vote unanimous.
17. Approved Resolution 2011-140 authorizing Clayton County to collaborate with County agencies and representatives in support of the Kids Outdoors Initiative and the Georgia Children's Outdoor Bill of Rights, and to sponsor the "Kids Outdoors Festival, Lake Spivey Road Race, and Backyard Contest" at the Clayton County International Park. Vote unanimous.
18. Approved Resolution 2011-141 authorizing Clayton County to accept a donation (\$9,900.00) from the Meals on Wheels Association of America on behalf of the Clayton County Aging Department. Vote unanimous.
19. Approved Resolution 2011-142 authorizing the County to enter into a Service Agreement with Motorola Solutions, Inc. providing for the terms and conditions under which services will be rendered to the County to maintain the E-911 Communications System. Vote unanimous.
20. Approved Resolution 2011-143 authorizing Clayton County to enter into a 120-day addendum agreement with Unique Management Services, Inc. (for recovery of library debt collection). Vote unanimous.
21. Approved Resolution 2011-144 authorizing Clayton County to enter into a Memorandum of Understanding with the Georgia Public Defender Standards Council for FY-2012 providing for the delivery of indigent defense services under the Georgia Indigent Defense Act. Vote unanimous.
22. Reappointed Richard A. Rice and Kalanos Johnson to the Development Authority Board (Full Board). New terms are for four (4) years; terms expiring on 3-1-15. Vote unanimous.

Christie Barnes, Staff Attorney, requested an Executive Session following the business meeting to discuss personnel and litigation matters. The Board agreed to do so.

PUBLIC COMMENT:

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1. Carl Swenson noted that he had made an Open Records Request regarding the SPLOST Fund and improvements to county light switches (Trane contract). He discovered that the Trane contract strongly emphasized savings for the county. In checking out the numbers, however, they were projected out over six (6) years and they did not go the full ten (10) years which is the contract's entire lease time. It appeared to him that there is a very serious discrepancy between the six (6)-year and ten (10)-year periods for which the county will be responsible. Mr. Swenson expressed that this goes back to accounting practices that are currently being used in this county – the same accounting practices that have resulted in the county's 38 million dollar deficit or whatever it ends up being. The county does not need to have that deficit when it has a budget of over 200 million dollars, and it can work on other ways to accomplish alleviating that deficit. He suggested that Clayton County should work with other counties across this country that are successfully working through this recession. Mr. Swenson felt that these other counties have been able to achieve a balanced budget by simply cutting back on expenditures. Unfortunately, he had seen no cutting back with this present commission and no willingness to cut back. He only saw a willingness to spend and a willingness to accept recommendations from the Finance Department without very much oversight. To that end, since the Board has been considering getting rid of the Board of Education's oversight committee, Mr. Swenson stated the time has now come for the citizens of this great county to reinstitute an age-old practice called the Citizens Grand Juries for the purpose of oversight of the public officials in this county. He would personally request that this be done, regardless of whether or not it needed to be handled by the county. Mr. Swenson further requested that facilities and a retired judge be made available so that the citizens of this great county can look out for this county's best interest.

2. Bob Holtzclaw acknowledged that he was a person of no consequence to the Board. He opined that the Board's decision to raise property taxes in Clayton County will add an increased burden, not only on property owners, but on those persons who have to pay rent. Mr. Holtzclaw perceived that landlords will pass those additional costs on to those who cannot afford them (renters). That action will probably not worry or concern the Board because the Board can pass the blame to the unscrupulous and greedy landlord and/or property owner. It is crucial that this Board leads by example. In order to demonstrate the Board's willingness to sacrifice and do everything possible to operate within current budgets, he suggested that the commissioners take the following actions: 1) each commissioner should voluntarily reduce his/her salaries/benefits and eliminate all travel expenses outside of Clayton County; 2) under no circumstances should any commissioner be paid a higher salary than the average wage

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earner in Clayton County; and 3) all travel expenses incurred outside of Clayton County should be paid by the respective commissioner and not by the taxpayers. Mr. Holtzclaw admitted he was constantly amazed that public servants believe their compensation should be greater than the average taxpayer who employs them. He was looking forward to the day when public servants truly serve the public, as did this nation's founding fathers, without compensation and with the satisfaction of having made an honorable contribution to the community. Mr. Holtzclaw again acknowledged that he was a person of no consequence to this Board and, from what he has seen from this Board, it looks upon all the citizens as persons of no consequence. He stressed that they are all taxpayers and, together, they can be persons of serious consequence. Mr. Holtzclaw concluded that now is the time to reinstitute a Citizens Grand Jury.

3. Cheryl Espy-Dalton, a county resident, questioned what happened to the \$18 million in the "under-priced sale" of the Clayton County Airport to Henry County. This Board never asked the citizens what it wanted to do with the airport. Everyone knew this sale was "under-priced," and she wanted to know why it was sold "underpriced" and where the \$18 million was from this sale. Ms. Espy-Dalton agreed that a Citizens Grand Jury needs to be reviewing what the Board is doing in this county.

4. Stella Gorman, a county resident, raised a public concern with the County Manager position. She felt it was a "slap in the face" for the Board to hire someone whom the county rejected in an election, and this person should never have been considered. The Board should have appreciated what the citizens of this county said before. Ms. Gorman noted that the median income for Clayton County residents is \$44,000.00 and the County Manager will be paid three and half times that amount (\$150,000.00 a year). She was sorry to see that this figure does not work for a county that has a deficit. There is a \$44,000.00 median income in this county, and the county deficit is \$30 million. Henry County's median income is approximately \$53,000.00, and it has a \$40 million surplus. Comparatively, the difference is significant and she believed that this Board has completely mismanaged the funds in this county. She further stated that every single commissioner needs to be recalled and does not deserve to make it to the next election. Ms. Gorman promised to ensure that the commissioners will be recalled, and she agreed with the idea of having a Citizens Grand Jury so that the county does not have to go through this dilemma again.

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5. GERALYN DANIEL, a county resident, expressed her disgust with how this Board has handled the county's finances and placed the burden on county taxpayers. She, too, called for the implementation of a Citizens Grand Jury for the purpose of reviewing evidence of public corruption.

6. SAHAR HEKMATI, a county resident, thanked the Board for this opportunity to speak. She acknowledged this was the first commission meeting she had attended, although she did stay informed about county business through other means. Ms. Hekmati also admitted that she only knew one of the commissioners, and that was Commissioner Edmondson. She had met him at a meeting where he stated he was actually a Republican, but he was running for the Commission District #4 seat as a Democrat in order to win and help the citizens. Ms. Hekmati stated she was here to represent the National Conservative Republican Women and the State Party. Additionally, she represented the 13<sup>th</sup> District against David Scott – so Clayton County is her district within the Georgia Republican Party. Ms. Hekmati was disappointed with what she has seen in this county, so she was present as a voice for those citizens who could not be here tonight. She was aware that Clayton County is known as the worst county in the state of Georgia. That was a title that saddened and hurt her the most. People do not want to bring their kids to be educated in Clayton County, and yet there are so many wonderful things here; i.e., the Hartsfield-Jackson International Airport, that could make this county the Taj Mahal of the state of Georgia. This Board has failed the citizens and the people who work hard every day to give their money back to the county as taxpayers. For persons who wish to run for commission districts in this Boardroom, Ms. Hekmati offered a proposition to fund their campaigns; i.e., contribute monies for signs and door hangers, to run against each one of the present commissioners. She promised to go door to door to get public support to get rid of the commissioners. Lastly, Ms. Hekmati called for the implementation of a Citizens Grand Jury for the purpose of reviewing evidence of public and Board corruption.

7. WAYNE MADDEN, a Rivers Edge Subdivision resident, thanked Reverend Beeler for his uplifting prayer and round of applause. He had several issues to discuss tonight. First, he informed the Board that he had sponsored Clayton County in a past Chamber of Commerce function. A minister, who is active in the county and will remain unnamed, also attended this function and actually accused him of stealing light bulbs which were left as gifts on the tables. Mr. Madden stated that his daughter, who accompanied him to this banquet, was greatly incensed at this minister's accusation. He had to calm her down by explaining why he did not rise to the occasion. Mr. Madden next stated he would ask for a

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commission recall, but it needed to be done separately. The problem is that this county does not have any experts in areas necessary to maintain a sound county. He, however, was an expert in certain areas. It does not matter who comes to the county because that person ends up having to pay lawyers and/or an accountant; so it is to no avail. After reviewing the resumes of the commissioners on the Board, he felt that the only experts in business were Chairman Bell and Commissioner Edmondson. To that end, Mr. Madden wondered what type of collateral the county has put up for business transactions; i.e., bonds. He planned to ask the news media to investigate three (3) of the commissioners to determine if they have capabilities and clean records. Personally, he was not involved in any political party; he just represented himself. Mr. Madden also was concerned about the lack of citations being issued for housing code violations. He was aware of many instances where there were too many people living in one house. If there are supposed to be two to a house, there should not be fifty people living there. Mr. Madden further stated that he and his neighbors are upset about this and deserve to live in peace. He told the Board that it cannot fool the people. Everything that is done in life will be revealed. If any commissioner has something to tell, then he/she should tell it. Otherwise, he will notify Monica Kaufman of Channel 2 News and she will “keep it real.”

Chairman Bell reminded everyone that the Board is present to hear from persons who wish to make comments publicly. It is within the Board rules, however, that no one will attack anyone in here. He did not know if he heard it properly, but it appeared that one of the county’s ministers was attacked. Chairman Bell stressed that the Board will not tolerate such behavior.

Mr. Madden responded that he was not attacking the minister. As a county resident, he was only trying to serve the best interest of the county and apologized if he offended anyone. Chairman Bell noted that the Board accepted his apology.

8. Lisa Tinch stated she was so surprised at this Board’s actions regarding her and her family. It saddened her to know that each of the commissioners voted to have her house demolished. Apparently, the Board members are sitting here tonight with no remorse or shame for their actions. She believed that the commissioners should pay for what they had done. Ms. Tinch noted the presence of Staff Attorney Christie Barnes in the meeting and stated Ms. Barnes had evicted her from her apartment. To continue to carry on in this manner is really a shame. This Board had awarded Central Services Director Rod Gray, who was holding her furniture, six million dollars for a project. Yet, the Board could not try to do the right thing about her house. Ms. Tinch observed that the Board was just sitting

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here nonchalantly like nothing ever happened to her. It surprised her that the Board continues to spend monies elsewhere. More specifically, Commissioner Hambrick represented her district. Per Ms. Tinch, Commissioner Hambrick never opened her arms to her or offered to help her.

Chairman Bell warned Ms. Tinch to refrain from attacking a commissioner. Ms. Tinch rebutted that she was not attacking Commissioner Hambrick. She had just stated that Commissioner Hambrick never offered to help her in her house dilemma. For this situation to continue to go on as it has, it is time for a jury trial. Ms. Tinch emphasized that since matters have still not been resolved through mediation, it is time for a trial. It is a shame that the Board made a decision and the person who spearheaded this effort resigned, got his money, and left the Board sitting here. The Board is not going to jail for anything it did wrong, and Ms. Tinch believed that the Board should pay for its actions.

8. Laurel Schaeffer, a county resident, also called for the implementation of a Citizens Grand Jury for the purpose of reviewing evidence of public corruption.

The Board made a motion at 7:48 p.m. to go into Executive Session in the Commissioners' Conference Room to discuss personnel and litigation matters. Vote unanimous.

Following a motion to go out of Executive Session at 8:35 p.m., the Board made a motion to reconvene in the Commissioners' Boardroom. Vote unanimous. At that time, two motions were made. Clerk Haywood noted that Commissioner Edmondson was absent.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to name Mr. Wade Starr as the County Manager with a salary of \$150,000.00. The motion carried 3-1. Chairman Bell opposed. For the record, Chairman Bell explained that he opposed this motion because he voted against the County Manager as it was formed. In his place as Chairman of the County, members of the Board have decided to appoint a County Manager. Chairman Bell said he will continue to work diligently with the members of the Board to carry out the county's day-to-day business.

Motion by Chairman Bell, second by Vice-Chairman Ralph, to name Jack Hancock as an Interim County Attorney until such time that a full-time County Attorney can be found. The motion carried 4-0.

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Vice-Chairman Ralph affirmed that the Organizational Act allows the Chairman of the Board to recommend a County Attorney; therefore, Chairman Bell was asking Mr. Hancock to work as the County Attorney on an interim basis. Chairman Bell added that he would bring applicable agreements back to the Board for further consideration.

The Board unanimously adjourned the Regular Business Meeting of September 6, 2011 at 8:38 p.m.