

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

November 1, 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 Chaplain Keith Reynolds of the Clayton County Police Department. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by moving item #6 (PROCLAMATION: “Clayton County Recognizes Community Activist Vivian Baldwin” – presented by Vice-Chairman Ralph) to the item #5 slot (PRESENTATION: Findings and Recommendations from the Clayton County Disparity Study (presented by Mason Tillman Associates, Ltd.) and vice-versa; moving item #9 (Consider a request of Renee Bright, Director of Human Resources) to the item #8 slot (Consider requests of Angela Jackson, Director of Finance) and vice-versa; and announcing that the Executive Session would pertain to litigation and personnel matters. For the record, Clerk Haywood stated that Dennis Johnson, Budget Manager, would be acting in Angela Jackson’s stead tonight. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the minutes of the October 18, 2011 Regular Business Meeting. Vote unanimous.
5. PRESENTATION: Findings and Recommendations from the Clayton County Disparity Study (presented by Mason Tillman Associates, Ltd. of Oakland, California).

Dr. Eleanor Mason Ramsey, President of Mason Tillman Associates, Ltd. and Project Manager for the Clayton County Disparity Study, stated she was honored to be here tonight to present the findings from this study. During this time, Dr. Eleanor noted she would introduce her consultant team; discuss the study’s objectives, research method, and statistical findings; and offer suggestions for the next steps. Established in 1978, Mason Tillman Associates, Ltd. committed to research policy and conduct research involving professionals. Per Dr. Ramsey, this was known as affirmative action and from that stems communication which is essential when government expends the resources to conduct such studies. Additionally, Dr. Ramsey noted that her team’s work was successful largely to the assistance of Clayton County’s management team (led by Director Rod Gray, Sue Franklin, and Hannah Parker of Central Services). This management team allowed her firm to secure the information that it needed to perform its work. She then presented a brief overview of the rules her firm had to follow in doing this study.

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- Mason Tillman’s study method was determined by a Supreme Court decision on January 23, 1989 which established a new standard for putting in place programs intended to provide a remedy to a group of color or to women. That standard required an agency to establish a compelling purpose by developing evidence of systemic racial discrimination (underutilization of available groups). Any remedy could be narrowly tailored to those groups that had a disparity. If any race based programs were put in place, they had to be updated periodically because the intent was to correct identified disparities (within a period of five to ten years) to ensure that the objective would remain as defined by the study.
- Three (3) industries in which all of Clayton County’s contracts were organized were as follows:

I. CONSTRUCTION

- Construction contracts as awarded by the county
- Construction contracts that contractors awarded to sub-contractors
- The focus in construction was on repair, renovations of structures, roads, highways, and other improvements as well as additions to real property.

II. PROFESSIONAL SERVICES

- These services encompassed a broad range – construction management, landscape architecture, surveying, mapping, and architectural/engineering services, as well as services provided by attorneys, counties, medical professionals, planners, and consultants.

III. GOODS AND SERVICES

- These were any services that were not ruled to be either construction or professional and goods for materials/supplies/equipment.

FINDINGS FROM ANALYZING THESE CONTRACTS:

- The first analysis of prime contracts awarded by the county during Fiscal Years 2004-2009 revealed the following total figures for the industries of Construction, Professional Services, and Goods and Services:

Construction Contracts	1,808
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Professional Services Contracts        263  
Goods/Non-Professional Contracts    32,853

- The second step was to review where the businesses that received county contracts were located (defined as the market area). Areas where the county spent the majority of its dollars (79.7%) were Clayton, Cobb, DeKalb, Fayette, Fulton, Gwinnett, and Henry Counties.

Per Dr. Ramsey, it is also important to keep in mind the composition of the business community/marketplace. In looking at Clayton County as a separate entity from the State (and the national picture is very similar), approximately 82% of the county businesses, 84% of businesses in the seven (7) county market area, and 85% of businesses in the State have fewer than 20 employees. Essentially, the business community is small and it is characteristic of the entire United States. Roughly 55% of workers are employed at a small business. Dr. Ramsey purported that this is the marketplace where the county needs to target its contracts so that employers will be able to participate in the county's contract process. It is equally important to know the size of the county contracts being awarded. Following are the percentages of contractual dollar amounts per industry in Clayton County:

CONSTRUCTION CONTRACTS

93% were less than \$25,000.00

94% were less than \$100,000.00

3.15% exceeded \$500,000.00

PROFESSIONAL SERVICES CONTRACTS

65% were less than \$25,000.00

7.22% exceeded \$500,000.00

GOODS AND SERVICES CONTRACTS

The overwhelming majority of these were under \$25,000.00, and less than 1% exceeded \$500,000.00.

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Dr. Ramsey noted that Mason Tillman Associates, Ltd. also considered the award of these contracts by minority groups; i.e., contracts awarded to minority females, which totaled 98% under \$25,000.00. For each of the aforementioned groups, the overwhelming majority of the contracts they received were “small contracts.” In analyzing how the dollars were distributed (monies spent), Dr. Ramsey stated that the county paid a total of 2,074 vendors. Of those 2,074 vendors who received a contract, 22 received 60% of the dollars. This percentage is also a national pattern. It is typical for communities to spend most of their dollars with very few vendors, so the distribution of dollars is limited to a significantly small segment of the overall population of 2,074 vendors. Prime utilization is considered as dollars awarded by Clayton County by ethnicity, and those statistics are listed as follows:

African-Americans (men & women) received 2.4% of the dollars and a total of 604 contracts.

Asian-Americans received less than 1% of the dollars and a total of 95 contracts.

Caucasian Females received 3.6% of the dollars and a total of 3,730 contracts.

Hispanics received 2.9% and a total of 85 contracts.

Native Americans received .68% of the dollars with a negligible amount of contracts.

Non-minority males received 90% of the dollars.

Dr. Ramsey expressed that Mason Tillman Associates, Ltd. had to answer whether the available businesses were receiving contracts at the level available in the market (“Is use equal to availability?”). If not, then the question would be, “Was there underutilization?” Dr. Ramsey next referenced her power point slide which denoted in red those groups underutilized. This indicated a condition for race to be considered. Those groups were depicted as African-Americans (27.70% of businesses available during this study period received 5.25% of construction contracts; 28% of businesses available received 20.53% of professional services contracts; and 19% of businesses available received 1.14% of goods and services contracts. She surmised that a pattern exists with people of color being underutilized in each of the industries when they are all combined. Contracts under \$25,000.00 were also reviewed, and they were significant. There is gross underutilization of people of color (especially African-Americans

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and Asian Americans) in these contracts as well. Hispanic Americans are usually utilized in goods and services.

Another aspect of the disparity study considered awards that prime contractors made to subcontractors. Dr. Ramsey emphasized that the subcontracting analysis provides a remedy for Clayton County to set goals for contracting. An analysis of two (2) of those industries has been provided today by ethnicity (Goods and Services would not be applicable to this analysis). Three Hundred and twelve (312) subcontractors were awarded by contractors. Of those subcontracts, the questions Mason Tillman Associates, Ltd. asked were “Did those prime contractors apply the concept of use being equal to availability?”; “Was there parody?”; and/or “Was there underutilization?” She reiterated that the red on the slide indicated where the use was lower than the availability and underutilization was significant. This condition provided a basis for a remedy; i.e., race based remedy, in the form of subcontracting roles. Advertised prime contracts would state a goal that a prime contractor would need to meet and failure to meet such a goal would necessitate that the prime contractors show they made a “good faith effort” to do contracting with the target groups. If that good faith effort were deemed to be insufficient, then the contract would be awarded to the next lowest bidder. Dr. Ramsey stressed that these findings, as shaded in red, provide for that option if so desired. The next step would be a recommendation to establish a working group with the units of the county that are involved in this area; i.e., staff, financial community, small business community including people of color, and women so that the county can look at some options available. Some options are provided in the study and could be considered along with any other options that the county may wish to add. She suggested that the working group should have a term – people appointed should not have an indefinite term because they need to move forward with establishing a program in a very short term. That program would be drafted and, with Board approval, it could be implemented. Her firm also suggested that the county retain a consultant who would handle compliance as a primary responsibility (a very important role). Dr. Ramsey indicated that all members of the county staff should be trained, from the person who answers the telephone to the person who makes the ultimate decision(s) about contracts, in a program that is intended to increase equity in the contracting process. Once the program has been formalized, formulated, and approved and staff is trained, it would be useful to publicize it so that the community knows the county is willing to offer contracting in a revised package. Dr. Ramsey thanked the Board for allowing her firm an opportunity to perform this disparity study. She was flattered to be chosen and hoped the Board found her study product to be useful.

Chairman Bell asked if there were any questions regarding Mason Tillman’s study. Commissioner Edmondson stated he needed clarification regarding the content on slide #12 that Dr. Ramsey had shown in her power point presentation. If he understood #12 and #14 correctly, there was a breakdown in categories and he wanted to make sure he understood them. To his knowledge, the #12 slide

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indicated that prime contracts were contracts let by the county and not subcontracted during FY-2004 through FY-2009. For example, under \$100,000.00 contracts let to minority males, the 98.77% figure means that all prime contracts let by Clayton County from 2004 to 2009 went to minority males (of the contracts, not the dollar amounts). Dr. Ramsey clarified that 98.77% of the contracts went to that targeted group. Commissioner Edmondson surmised that this slide does not reference contracts as a percentage of all the contracts. On slide #14, Commissioner Edmondson understood that these are the dollars of the county's prime contracts as a whole (expressed as a percentage for each of the categories). Dr. Ramsey agreed with Commissioner Edmondson. There were no further questions from the Board of Commissioners.

6. PROCLAMATION: "Clayton County Recognizes Community Activist Vivian Baldwin" (presented by Vice-Chairman Wole Ralph).

NOTE: Group photos were taken of the proclamation honoree. Clerk Haywood read the proclamation for the benefit of the honoree and audience.

7. Rod Gray, Director of Central Services, presented the following item which resulted in this action:

1) Approved a Request for SPLOST Project Management and Consultant Services/RFP Pkg. #10-05/Work Authorization #003, Animal Control Kennel. Vote unanimous.

Silverman Construction Program Management was approved as the project manager by the Board of Commissioners on August 3, 2010 to provide services on designated SPLOST projects. Specifically, this Work Authorization Request is to provide programming services for the Clayton County Animal Control Kennel (as listed in the scope of Silverman's project management contract). The programming represents developing a scope for the project that would be used in the Request for Proposal phase for both design and construction. This Work Authorization Request is only for Pre-Design, Contracted Services, Design, Construction, and Transition. The fee proposal is in line with the terms of the contract (\$154,550.00). Funds are available in the 2009 SPLOST Fund.

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

1) Approved a Personnel Request from Warden Frank Taylor Smith/Clayton County Prison/ to add one outside detail officer to the Clayton County Prison authorized staff. Warden Smith's request is a fulfillment of the promise that the Board made to revisit Forced Cleaning staffing after the first year. At the outset of the Forced Cleaning mission, one detail was added to the staff with the commitment to increase the number based on that experience. Despite the completion of 374 out of 442 open cases, Code Enforcement received 495 new cases (which left the prison with 563 open cases one year later). Added to this load is the mission of cleaning dump and eviction sites in response to

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Code Enforcement. The motion carried 4-1; Commissioner Edmondson opposed because he believed the Board was approving monies which may not be available in the General Fund to fund this position.

Commissioner Edmondson asked Budget Manager Dennis Johnson if the \$52,324.00 to fund this position would be coming from the General Fund for this fiscal year's budget. Mr. Johnson answered that Commissioner Edmondson was correct; it was a General Fund budget amendment. Commissioner Edmondson alerted Mr. Johnson that he had not received any General Fund financial statements for this entire fiscal year and going back. He knew that the county had limited resources in this economy, and it had raised property taxes. Commissioner Edmondson asked if the county has this money in the General Fund and, if so, he wanted to know what reserves existed from which to spend this money. Mr. Johnson responded that the Finance Department at this point was finalizing the Fund Balance available at the end of FY-2011 with the auditors. Commissioner Edmondson surmised that Finance did not know how much money the county has from which it is pulling this money. Mr. Johnson stated that the county has funds available, and how the county wanted them to be used is at its discretion. Commissioner Edmondson asked Mr. Johnson to state how much money the county had to be used at its discretion. Mr. Johnson stated he did not know the exact number at this time. Commissioner Edmondson replied that the county thinks it has money but it really does not know, and Finance has not even finished adding up last year yet (which seemed to be irresponsible). He voiced that he was not against the people, but this position was not approved in the budget put forth. Commissioner Edmondson stressed that he just wanted to know the origin of the money to fund this position.

Commissioner Singleton requested that the Board call upon Wade Starr, County Manager, to explain the financial aspects of this personnel request.

Mr. Starr stated he understood Mr. Johnson's reluctance as well as the Finance Department's reluctance to speak to a specific figure because the audit is being completed. He expected the General Fund to be north of \$20 million and the county's statutory reserve (as set to the Board's requirement) is currently very close to that figure. The county intends to remain very close to what the Board has established as a number necessary to be maintained. As the Board is aware, the county does not carry certain liability insurance. The county self-insures, so it is important to maintain a certain dollar amount. He could state with a degree of certainty that the county will be north of \$20 million in reserve, which will provide sufficient funds to cover this personnel request to hire an additional detail officer at \$52,324.00.

Commissioner Edmondson stated he appreciated this information since he had not received any General Fund updates. He understood that the county thinks it has money above the statutory minimum that it can use at its discretion, and this is the course of action the county should take (not knowing how much is available to spend).

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Mr. Starr responded that he was informing Commissioner Edmondson that if the Board decides it wants to spend \$52,324.00 to fund this position due to it being consistent with established priorities, then the \$52,324.00 will not be a major strain on the county budget. Commissioner Edmondson stated he was just inquiring because he had not received any data to substantiate anything. Mr. Starr affirmed that the General Fund status was in the neighborhood of being \$20 million to \$25 million.

Commissioner Edmondson asked if there were any expectation as to when the Board would receive financial information on how much money is available to spend.

Mr. Starr answered that the audit should be completed in mid-December this year, so the Board will receive a dollar figure stating what the unrestricted Fund Balance is after that time.

Commissioner Edmondson said he would love to have that information because he had not received a Fund Balance update since he took office.

As County Manager, Mr. Starr promised to provide that type of information to the Board in the future.

Commissioner Singleton added that just today she had a call concerning Warden Frank Smith of the Clayton County Prison. The county is still dealing with economic downturn, foreclosures, and forced cleanings. Warden Smith is constantly doing an awesome job in cleaning up the county, so this position is really needed.

9. Dennis Johnson, Budget Manager, presented one budget amendment and three (3) requests for refund which resulted in these actions:

1) Approved Budget Amendment #2-11/Clayton County Prison (FYE 6-30-12), in the amount of \$52,324.00, to provide for an additional Correction Officer II (as noted in the previous personnel request from Renee Bright, Director of Human Resources). The motion carried 4-1; Commissioner Edmondson opposed.

2) Approved a Request for a Zoning Permit Refund (zoning not approved) for Linda McGee of Jonesboro, Georgia, in the amount of \$50.00. Vote unanimous.

3) Approved a Request for a Clean-Up Bond Refund for Charles A. Hayes & Associates of Fayetteville, Georgia, in the amount of \$500.00. Vote unanimous.

4) Approved a Request for a Clean-Up Bond Refund for Jose Francisco Guerrero of Acworth, Georgia, in the amount of \$500.00. Vote unanimous.

10. Approved Resolution 2011-181 authorizing the imposition of a 9-1-1 charge on prepaid wireless service at the retail point of sale as authorized by the Official Code of Georgia Annotated, as amended by Act No. 187, Georgia Laws 2011, part 4 of Article 2 of Chapter 5 of Title 46. Vote unanimous.

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11. Approved Resolution 2011-182 authorizing Clayton County to amend a master license agreement with The Nielsen Company, LLC; to enter into a license order with The Nielsen Company, LLC providing for the terms and conditions under which a license for access to marketplace licensed material will be granted. This resolution pertains to use of software to generate business data and site reports for studies requested by the Board of Commissioners. Vote unanimous.

12. Approved Resolution 2011-183 authorizing the acceptance of condemned vehicles to be assigned to the Clayton County Sheriff's Office fleet in a manner as will be in the best interest of the County; [one (1) 2007 Mercedes Benz; one (1) 2009 Acura TSX; and one (1) 2009 Chevrolet Corvette]. Vote unanimous.

13. Approved Resolution 2011-184, a Resolution by the Board of Commissioners to update its policy for amending existing class specifications. The Board previously enacted a resolution that approved changes to those policies by the County Administrator/Chief of Staff, and this resolution simply changes that to the existing County Manager. The motion carried 4-1; Chairman Bell opposed.

14. Approved Orders for Remission: State of Georgia v. Kendrick Ledale Williams and Free At Last Bail Bonds, Surety (2010CR06629-C; \$2,897.50) and State of Georgia v. Kelvin Antonio Holt and Free At Last Bail Bonds, Surety (2009CR04938FF; \$2,512.00). Vote unanimous.

Interim Chief Staff Attorney Jack Hancock requested an Executive Session following this business meeting to discuss personnel and litigation matters. The Board consented to conduct an Executive Session as requested.

PUBLIC COMMENT:

1. Gail Buckner, President of the Georgia Federation of Democratic Women, personally invited the Board to attend a presentation on "Bringing Jobs to Georgia" on Saturday, November 5, 2011, at 1:00 p.m. at Lake City Municipal Hall.

2. Chuck Ware informed the commissioners that he had placed a sheet before them regarding Regional Roundtable projects that Chairman Bell and Mayor Willie Oswalt of Lake City, Georgia have diligently worked on for Clayton County. He requested the approval, support, and commitment from the entire Board of Commissioners for these projects.

Prior to making a motion to go into Executive Session, Commissioner Edmondson asked Interim County Attorney Jack Hancock if the municipalities within Clayton County had executed the contract delivered with the county's Service Delivery Strategy (since the legal deadline had expired on October 31, 2011). Attorney Hancock answered to the best of his knowledge, the answer to Commissioner Edmondson's question was "no."

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Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners' Conference Room at 7:44 p.m. to discuss personnel and litigation matters. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go out of Executive Session at 8:49 p.m. Vote unanimous.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to reconvene the Regular Business Meeting of November 1, 2011 in the Commissioners' Boardroom at 8:50 p.m. Vote unanimous.

15. The Board considered the following items which resulted in these actions [based on Board decision(s) in the Executive Session]:

1) County Manager Wade Starr presented to the Board a request to fill seven (7) county vacancies – five from the Police Department (one [1] police officer, one [1] animal control officer, and three [3] communication dispatchers); one (1) Deputy Court Clerk from Juvenile Court; and one (1) Appraiser Technician from the Tax Assessors Office.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve the request to fill the aforementioned seven (7) county vacancies in various departments. Vote unanimous.

2) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to offer Patrick Ejike the position of Community Development Director. The motion carried 3-2; Chairman Bell and Commissioner Edmondson opposed.

There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Singleton, to adjourn the Regular Business Meeting of November 1, 2011 at 8:52 p.m. Vote unanimous.