

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

September 21, 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 Dr. Leon Beeler of Gateway Restoration Church in Morrow, Georgia. Pledge of allegiance to the flag led by Chairman Bell. Chairman Bell recognized the presence of Pastor Gerry T. Anderson of New Macedonia Baptist Church (Riverdale, GA) in the audience.
3. Amended the agenda by adding a brief discussion item regarding Flint River and Anvil Block Roads projects by Jeff Metarko, Director of Transportation & Development, and holding item #11 (Resolution 2010-193 – Authorizing the acceptance of a grant award of \$162,772.00 from the Federal Emergency Management Agency [“FEMA”] and the Department of Homeland Security [“DHS”] on behalf of the Clayton County Fire and Emergency Services Department; funding to be used to purchase cardiac monitor equipment). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the September 14, 2010 Regular Business Meeting minutes. The motion carried 4-0-1. Vice-Chairman Ralph abstained due to his absence from this meeting.
5. Angela Jackson, Director of Finance, presented the following items which resulted in these actions. (NOTE: The Board voted on all of these items at once.)
 - 1) Approved Budget Amendment #2-69 (FYE 6-30-10), for the C-Tran Mass Transit Fund, in the amount of \$7,957,018.00, to allocate funds between fixed bus route and Para-Transit services. Vote unanimous.
 - 2) Approved Budget Amendment #2-73 (FYE 6-30-10), for Various Departments, in the amount of \$284,225.00, to cover additional wages, fees, uniforms, advertising, and repairs and maintenance and decrease unused budgeted expenses. Vote unanimous.
 - 3) Approved Budget Amendment #2-74 (FYE 6-30-10), for the Health Department Fund, in the amount of \$16,654.00, to cover additional land and building improvements. Vote unanimous.
 - 4) Approved Budget Amendment #2-75 (FYE 6-30-10), for the E-911 Fund, in the amount of \$11,173.00, to cover additional wireless fees and part-time wages. Vote unanimous.

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5) Approved Budget Amendment #2-76 (FYE 6-30-10), for Other General Government, in the amount of \$4,889,750.00, to cover costs associated with the 2009 Energy Saving Capital Leave (Siemens and Trane). Vote unanimous.

6) Approved Budget Amendment #2-6 (FYE 6-30-11), for the Clayton County Prison, in the amount of \$25,000.00, to provide funds for force clean-up supplies and materials. Vote unanimous.

6. Renee Bright, Director of Human Resources, submitted the following request which resulted in this action:

1) Approved a request to renew the Humana Medicare Advantage coverage for the policy period January 2, 2011 through December 31, 2011. There are no coverage changes nor premium increases in the renewal offer received from Humana Care Advantage. Vote unanimous.

7. Approved Ordinance 2010-189 (**2nd Reading & Adoption**), 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, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to exclude employees who are active participants or members in Employees Retirement System of Georgia or the Georgia State Employees Pension and Savings Plan; to suspend retirement benefits for participants who are reemployed by a plan sponsor as full-time employees after normal retirement age. Vote unanimous.

Commissioner Edmondson asked Angela Jackson, Director of Finance, to explain how certain employees will be affected by this proposed pension plan change. Under Sections I & II, there is an effective date of November 1, 2010; however, they both state "A Participant's Average Monthly Compensation (Section I) and Credited Service (Section II) shall not include any period of employment when such Participant is an active participant or member in the Employees Retirement System of Georgia or the Georgia State Employees Pension and Saving Plan (or any successor plan)." He wanted to know if that would be from November 1st going forward or if that would include, as from that date, all credited hours in which the employees had already participated for the length of employment.

Ms. Jackson answered that as of November 1st, the 16 persons who are currently enrolled in two (2) retirement/pension plans (county and state) can only participate in one (1) pension plan. If

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they choose to continue participating in the state plan, their assets will be frozen in the county's plan at that value (as of November 1st) and vice-versa if they opt to stay in the county's plan.

Commissioner Edmondson next inquired if the credited service and compensation prior to that date would be lost.

Ms. Jackson replied no, whatever contributions those persons have made up until November 1st will be frozen at that time for that number of years.

Commissioner Edmondson questioned how many of the 16 persons are vested in the county. Also, since he did not have any documentation with this resolution, he was particularly concerned about the unvested portion that is frozen. Commissioner Edmondson wondered if those persons who are "partially vested" would have their assets frozen at that value if they opt out of the county's retirement/pension plan.

Ms. Jackson responded yes, and they will not get a cash refund of those assets until they terminate employment with the county. As long as those persons are employees of the county, the county cannot return those funds.

Commissioner Edmondson asked if Ms. Jackson knew how many of the 16 aforementioned employees were partially vested, if any.

Ms. Jackson stated that of the 16 employees affected by this resolution, seven (7) employees are not currently vested.

Commissioner Edmondson understood that those partially vested employees would have their assets frozen. If they continued to work for the county, however, he wondered if they would reach their "full" vesting.

Ms. Jackson said no. For example, an employee named "Sam" could have worked five (5) years for the county. On November 1, 2010, when this proposed pension plan change becomes effective, however, his assets will become frozen. If the county does not freeze those assets, then Sam will be able to become vested and not make contributions – which hurts the pension plan (and that is not fair to the other county employees). When Sam's assets are frozen at five (5) years, he can receive those contributions back that he has put into the county as soon as he terminates employment with the county or when he reaches retirement age.

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Commissioner Edmondson surmised that this would be the only option. If the affected employees do not opt to stay in the county plan and do not re-participate in the plan in the future by opting out of the state's plan as partially vested, then their only option when they leave the county would be to receive the contributions they had already made. Ms. Jackson said that was correct; they would receive their contributions plus interest returned on those contributions.

Commissioner Edmondson said he guessed that if all of those 16 employees presently participating in the county and the state choose to opt into the county and not the state, then there would be no financial impact to the county's pension plan.

Ms. Jackson affirmed if that were the case, those employees would only be contributing to the county's plan and receive benefits as would any other county employee.

Conversely, Commissioner Edmondson wondered what savings the county would realize if those affected employees decided to all opt out of the county's plan.

Ms. Jackson clarified that the purpose of this amendment to the pension plan is to prevent "double-dipping." With the 16 currently affected employees, taxpayers pay approximately 23.3% on one salary that is received; whereas, 12.9% is paid towards that salary for the other county employees' retirement. Per Ms. Jackson, the proposed pension plan change is not as much about savings as it is about the double-dipping factor. This topic has been in discussion now for almost two (2) years (as indicated in the Pension Board minutes). She reiterated that this change is to prevent double-dipping. Currently, there are several groups of people in the county who are not eligible for participation in the county's pension plan for that reason. Over many decades, the purpose has been to try to prevent double-dipping and, once the county realized that the affected 16 persons were in two (2) pension plans, it started taking corrective action.

Commissioner Edmondson questioned if Ms. Jackson knew the dollar amount of savings based on 23.3%. Ms. Jackson voiced that she would not know the exact amount because it would depend on the various salaries that the employees are presently earning and the 12.9% that is going towards those salaries.

8. Approved Resolution 2010-190 authorizing the acceptance of a grant award of \$165,451.00 from the United States Department of Justice awarded under the 2010 Edward Byrne Memorial Justice Assistance Grant; funding to be used to increase the technological and training capabilities of the Police Department. No county match is required. Vote unanimous.

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9. Approved Resolution 2010-191 authorizing Clayton County to enter into a Contract for Acquisition of Right-of-Way, Federal-Aid Project with the Georgia Department of Transportation providing for terms and conditions under which acquisition of right-of-way property associated with the Godby Road Project, No. CSSTP-0006-00(860), will be rendered. Vote unanimous.

10. Approved Resolution 2010-192 authorizing Clayton County to enter into an Aging Subgrant Contract with the United Way of Metropolitan Atlanta on behalf of the Clayton County Aging Department and, in accordance therewith, accept grant funds (\$9,107.00) to provide services to older adults at risk in Clayton County, Georgia. No county match is required. Vote unanimous.

11. Resolution 2010-194 – Authorizing the Board of Commissioners to show its support of Clayton County Public Schools during “Red Ribbon Week”; to authorize a waiver of application fees and special event fees for all activities during this period. Vote unanimous.

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

12. **DISCUSSION ITEM: Flint River and Anvil Block Road Projects.**

Transportation & Development Director Jeff Metarko mentioned that this topic had already been presented in tonight’s pre-meeting. He was recommending that the Board proceed with entering into a professional services contract with a consulting firm to renew the county’s engineering efforts on the Flint River and Anvil Block Road projects. Monies being considered for these projects are available in the county’s 2004 SPLOST Fund Program. Mr. Metarko was looking for a Board consensus to move forward with Chief Staff Attorney Michael Smith to develop contracts for an engineering firm for consideration at a later Board meeting.

Chairman Bell asked if the Board would give general consent to move forward with a resolution and the presentation of a contract to be voted upon at another meeting. The Board then gave general consent for Mr. Metarko to move forward with his request.

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PUBLIC COMMENT:

1. Lisa Tinch reminded the Board that Channel 2 had recently aired a story about the money that was supposed to be paid back for her house. One of the comments made was Chief of Staff Alex Cohilas stated that she wanted his gorgeous house, but she had brought a tape with her that was recorded on the day that Chief Cohilas planned this house. The tape verifies that Chief Cohilas was the person who planned this house, and she stressed that she did not plan this house. Ms. Tinch affirmed that she received notification from HUD today that it did not give Clayton County permission to demolish her house. In fact, nineteen (19) reports have been done. She just discovered that Enterprise, Ron Johnson's demolition company, demolished her house. Ms. Tinch was disturbed that the Clayton County Police Chief had not reviewed any of the police reports about her house. She wanted to give this tape to Chief Staff Attorney Michael Smith or the Police Department for investigation.

Chairman Bell asked Ms. Tinch to give the tape to Mr. Smith for investigation. Ms. Tinch emphasized that she wanted the Police Department to investigate the matter also. She stated that Mr. Smith had not talked to her, had not reviewed this case, and had not taken the initiative to even consider her rent. Ms. Tinch added that Chairman Bell himself had not talked to her about this house. If neither Chairman Bell nor Mr. Smith would talk to her, she wondered how this matter would be resolved.

Chairman Bell repeated his request for Ms. Tinch to hand over the tape to Mr. Smith.

Ms. Tinch next questioned Chairman Bell about the status of her rent and the house.

Chairman Bell informed Ms. Tinch that this case is still in litigation, and he asked Mr. Smith to verify that it was. Mr. Smith verified that this case was still in litigation. Due to the ongoing legal process, Chairman Bell stated that he could not discuss the matter with Ms. Tinch at this time. He would hear from her as a citizen for her allotted two (2) minutes, after which he would direct Mr. Smith to review her tape and advise him at that point. Ms. Tinch then relinquished the tape to Mr. Smith and urged Chairman Bell and Mr. Smith to look at it. Chairman Bell promised that they would look at the tape.

2. Matthew Talmadge stressed this was the third time this year he had been before the Board with the same request. He just wondered what he needed to do to satisfy his request of getting Board permission to hold prayer services at county senior centers. According to Mr. Talmadge, the Board had prayer at its business meeting tonight and prayer is even conducted in the Senate and the House. Yet, the Board has not approved prayer in the county's senior centers.

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Mr. Talmadge reiterated that this was his third time before the Board. The first time he appeared with this request, no one was in disagreement. Chairman Bell had even indicated that he did not foresee a problem with this request. He still had not received any official notification that it was O.K. to proceed with prayer services from anyone. Mr. Talmadge finally stated that he just wanted to know how to resolve this matter.

Chairman Bell stated that he understood Mr. Talmadge's dilemma. He had turned the matter over to Chief Cohilas to handle in the past and would urge Mr. Talmadge to call his office tomorrow (unless the other commissioners wanted to have a say in the matter). Chairman Bell admitted that he would be attending ARC meetings most of the day, but Mr. Talmadge could call him on his cell phone number (which he would relay to Mr. Talmadge after the meeting tonight). Mr. Talmadge could call him tomorrow on his cell phone, and he promised Mr. Talmadge that he would provide an answer to his request prior to noon.

Mr. Talmadge rebutted that he already had Chairman Bell's cell phone number. He had called him in the past and never received an answer.

Chairman Bell pointed out that he was asking Mr. Talmadge to call him on his cell phone this time. He apologized and admitted that sometimes he did not return the call; however, he would check with staff and legal counsel to determine if there is any prohibition of prayer services in the senior centers. Chairman Bell acknowledged that he still did not foresee any problems with conducting such services, but he would give Mr. Talmadge an answer as promised.

The Board made a motion to go into Executive Session to discuss litigation and personnel matters. Following the Executive Session, the Board reconvened the Regular Business Meeting. Commissioner Edmondson made a motion to appoint Interim Chief of Police Tim Robinson as the county's Police Chief. There was no second; therefore, the motion died for lack of a second. Commissioner Singleton made a motion to appoint Deputy Chief Greg Porter as the county's Police Chief, and her motion was seconded by Vice-Chairman Ralph. Chairman Bell indicated for the record that he would vote with the majority, but he wanted it to be a unanimous vote. Commissioner Edmondson disagreed and voted nay; therefore, the motion carried 4-1 with Commissioner Edmondson in opposition. The Board agreed that the effective date of Deputy Chief Greg Porter's appointment as the county's new Police Chief would be effective Monday, September 27, 2010.