

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2021 – 186

A RESOLUTION AUTHORIZING THE CLAYTON COUNTY BOARD OF COMMISSIONERS TO CONDUCT A HEARING TO DETERMINE WHETHER ANY MEMBER OF THE HOUSING AUTHORITY OF CLAYTON COUNTY SHALL BE REMOVED FROM OFFICE; TO AUTHORIZE THE CHIEF STAFF ATTORNEY TO SEND NOTICE OF THE HEARING INCLUDING THE CHARGES, LOCATION, DATE AND TIME OF THE HEARING AS REQUIRED BY LAW; TO DIRECT THE CLERK TO RECORD THE HEARING AND KEEP A RECORD OF THE HEARING ON FILE IN THE CLERK'S OFFICE; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Section 2-56(3) of the Code of Clayton County authorizes the Board of Commissioners ("the Board") to remove members of boards and authorities for, among other things, misfeasance, malfeasance, nonfeasance and abstention from voting other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the board on a record vote; and

WHEREAS, O.C.G.A. § 8-3-53 further requires that a commissioner of a housing authority may be removed for misconduct in office only after receiving notice and an opportunity to be heard; and

WHEREAS, it has come to the attention of the Board that Housing Authority of Clayton County Chairman Michael Bryant may have: (1) failed to respond to a request for information whether he had contacted an insurance company to determine if coverage was available to cover the expense of a lawsuit filed against the Housing Authority of Clayton County ("Authority") and where the Authority expended funds for legal expenses which may have been covered by insurance; (2) failed to respond to a request why he provided

incorrect information on an insurance renewal application which may have jeopardized the ability of the Authority to obtain insurance coverage in the future; (3) recused himself on a vote to hire a building contractor to do work at the Authority without providing a reason; (4) voted in favor of a resolution awarding the contract to do the work to the same building contractor at a subsequent meeting; (5) applied for a permit to do work on the Authority's office building in the name of Bryant Construction Group without authorization from the Authority Board; (6) represented to the City of Forest Park on an inspection form that Bryant Construction Group had performed work on the Authority's office as opposed to the approved vendor; (7) signed a check for reimbursement of expenditures made by Bryant Construction Group for expenses related to work performed by another vendor; (8) received invoices from the approved vendor in the name of Bryant Construction Group for work performed for the Authority; and (9) authorized checks expended by the Authority for invoices directed to Bryant Construction Group; and

WHEREAS, the Board wishes to determine whether Housing Authority Chairman Michael Bryant neglected his duties and/or participated in misconduct warranting removal from office pursuant to State law and County ordinances; and

WHEREAS, the Board deems it in the best interest of the County and the County will best be served by conducting a hearing of this matter consistent with State law and due process.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY AND IT IS HEREBY RESOLVED

Section 1. The Clayton County Board of Commissioners hereby authorizes the conduct of a hearing consistent with O.C.G.A. § 8-3-53 and any other applicable state law or County ordinance to determine whether Housing Authority of Clayton County Chairman Michael Bryant ("Bryant") shall be removed from office for neglect of duty and misconduct. The Board shall hear evidence on the following allegations:

(a) Bryant's failure to respond to a request for information whether he had contacted an insurance company to determine if coverage was available to cover the expense of a lawsuit filed against the Housing Authority of Clayton County ("Authority") and where the Authority expended funds for legal expenses which may have been covered by insurance;

(b) Bryant's failure to respond to a request why he provided incorrect information on an insurance renewal application which may have jeopardized the ability of the Authority to obtain insurance coverage in the future;

(c) Bryant's recusal on a vote at the August 3, 2020, Authority meeting to hire a building contractor to do work at the Authority without providing a reason;

(d) Bryant's affirmative vote in favor of a resolution at the August 25, 2020 Authority meeting to award the contract to the building contractor he recused himself from voting on at the August 3, 2020 meeting;

(e) Bryant's application for a permit to do work on the Authority's office building in the name of Bryant Construction Group without authorization from the Authority Board;

(f) Bryant's representation to the City of Forest Park on an inspection form that Bryant Construction Group had performed work on the Authority's office as opposed to the approved vendor;

(g) Bryant's signature on a check for reimbursement of expenditures made by Bryant Construction Group for expenses related to work performed by another vendor;

(h) Bryant's receipt of invoices from the approved vendor in the name of Bryant Construction Group for work performed for the Authority; and

(i) the authorization of checks expended by the Authority for invoices directed to Bryant Construction Group.

Said hearing shall be held on Tuesday, September 21, 2021 at 112 Smith Street, Jonesboro, Georgia at 5:30 p.m.

Section 2. The Board of Commissioners hereby directs the Clayton County Chief Staff Attorney to send written notice of the hearing, including the aforementioned charges, location, date and time of the hearing to Bryant to be reviewed not less than ten (10) days prior to the scheduled hearing. Such notice shall state that Bryant has a right to be heard in person or by counsel.

Section 3. The Board hereby directs the Clerk to record the hearing and keep a record of the hearing on file in the office of the Clerk

Section 4. This Resolution shall be immediately effective upon approval by the Board of Commissioners.

SO RESOLVED, this 7 day of September, 2021.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


GAIL HAMBRICK, VICE-CHAIR


FELICIA FRANKLIN, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

(vacant)
COMMISSIONER DISTRICT 1

ATTEST:


BRENDA B. JAMES, CLERK