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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Finance

Department Head: Mary S. Holland

Presenter, if needed: Ted L. Burgess

Preferred Meeting Date: Thursday, December 11, 2008

Wording for the Agenda:

Approval of staff's recommendation to authorize procurement of surety bonds for deputy sheriffs, in compliance with State law.

Background/History/Details:

Georgia Code Section 15-16-23 requires that all sheriff deputies execute a bond with a surety of $5,000, "conditioned upon the faithful accounting for all public and other funds or property coming into the deputy's custody, control, care, or possession." The Sheriff's Department has approximately 229 deputies who require the surety bond.

What action are you seeking from the Board of Commissioners?

Authorization to add the required surety bonds at an approximate cost of $22,900 to coverage provided by the county's current property and casualty insurance provider.

If this item requires funding, please describe:

Funds are available in the property and casualty insurance section of the budget to pay this expense.

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- (●) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Thursday, December 11, 2008

- ( ) Recognition/ Presentation
- ( ) Public Hearing
- ( ) Old Business
- ( ) New Business
- (●) Consent
- ( ) Report
- ( ) Other

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Mary S. Holland

From: Ted L. Burgess

Date: December 5, 2008

Subject: Surety Bonds for Sheriff's Deputies

Georgia Code Section 15-16-23 is titled "Appointment of deputy sheriffs; bond." It says "Each deputy shall be required to execute a bond with a surety in the amount of $5,000.00 payable to the sheriff and conditioned upon the faithful accounting for all public and other funds or property coming into the deputy's custody, control, care, or possession."

The county's current insurance agent – Public Risk Underwriters, Inc. – has determined that the surety bonds will be available at the approximate cost of $100.00 per deputy. In the event that additional deputies are hired, surety bonds must be procured for them also, since the available bonds are issued individually. A blanket bond for deputies is not offered by this carrier.

As a point of information, our insurance carrier advises us that this requirement is not covered by the "law enforcement liability" portion of the county's current property and casualty insurance policy. In general, the two can be distinguished as follows:

- *Law enforcement liability insurance*: Pays amounts due to third parties because of actions by a deputy resulting in things like property damage, bodily injury, false arrest or wrongful entry.

- *Surety bond*: Protects the county and the Sheriff from the deputy's failure to faithfully perform his duties, as specified in the Georgia Code section shown in the first paragraph above.