Minutes

Board of Commissioners
June 9, 2011
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, June 9, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Frady called the meeting to order at 7:01 p.m.
Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan moved to Accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING

1. Public Hearing on the County's proposed annual budget for fiscal year beginning July 1, 2011 and ending June 30, 2012.

Finance Director Mary Holland spoke about the proposed annual budget for fiscal year beginning July 1, 2011 and ending June 30, 2012. She noted that two adjustments were added to the proposed budget since the Board last met to discuss it at the June 1, 2011 Workshop meeting. Specifically, she explained that the first adjustment involved the Griffin Judicial Circuit who provided the County with a revised final budget request for

$6,461 less than the previous amount because they received late information from the State of Georgia. She said the second adjustment pertained to the Vehicle Replacement budget where two equipment items were initially recommended for replacement. She explained that upon further review, the revised suggestion was to replace the equipment with a future budget. Ms. Holland then reminded the Board there was one remaining issue concerning the Clerk of Court Sheila Studdard, and that Mrs. Studdard would be present at the June 23, 2011 meeting to provide information regarding the number of hearings that the Board of Equalization will have to conduct this year in order to determine if there is a need to provide additional staffing by increasing the hours for some of her part-time staff. She reminded the Board that at its June 23, 2011 meeting it would be asked to make its final recommendations before adopting the budget. Ms. Holland closed her remarks by reading the recommended budget amounts, fund by fund, to the Board.

No one spoke in favor of or in opposition to the budget as printed and discussed.

The Board took no action, had no discussion, and gave no direction on this issue since the final public hearing and adoption of the budget is scheduled for June 23, 2011. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT

Donald Fowler: Mr. Fowler supported the continuance of public speaking during the Commissioner's meeting, and he suggested that the sign-in sheet be placed in a separate location in the room so that, while one is actually speaking, another can sign-up to speak. Mr. Fowler also spoke about not raising taxes, and about his support for House Bill 240, also known as HB240. He asked the Board to support HB240 and allow the issue to be sent to the voters for their decision on transportation issues. He closed by asking the Board not to discourage beekeeping but, instead, to encourage the beekeeping hobby throughout the County.

Steve Smithfield: Mr. Smithfield spoke about an email he sent to each Commissioner concerning the financial difficulty Fayette County faces and how HB240 could be utilized to relieve the financial pressure. He said for several years the citizens had been at odds with the Commissioners about the County's Special Purpose Local Option Sales Tax, or SPLOST, projects, and he urged the Board to consider HB240 as a solution to the County's problems.

Vic Remeneski: Mr. Remeneski noted that tax revenues are declining due to a drop in property values and businesses permanently closing, and that some were of the opinion that the way to curtail the decline was to increase the millage rate. He suggested that HB240, signed by Governor Deal, presented Fayette County with another option. He asked the Board to support HB240, and in so doing, enable the people to decide how to spend SPLOST funds. He closed by asking that Fayette County no longer send money to the regional authorities only to hope that the funds would be returned by the regional authorities to the county, and he suggested that Fayette County keep its own money for its own purposes.

David Hall: Mr. Hall spoke in favor of keeping public comment at the beginning of the agenda. He also stated that the Board, the Sheriff, and law enforcement officers should abide by the United States Constitution above every other law. He closed saying both the country and the county cannot operate properly without input from its citizens.

Claude Key: Mr. Key reiterated to the Board that Governor Deal had signed HB240. He explained that the bill allows Fayette's citizens to have an opportunity to vote on whether or not they want to continue the current road SPLOST projects in Fayette County, or if the voters want to utilize the SPLOST money to shore up declining funds and relieve the taxpayers of additional burden. He asked the Board to allow the citizens to vote on this issue.

Jane Gallo: Ms. Gallo spoke about two articles she read in local county papers, one of which she found "disturbing". The first article was about a possible change to the way the public is allowed to speak to the Board. She felt that some of the Commissioners were tired of listening to the people speak, and she asked the Commissioners who felt that way to resign. She said the second article was a "brilliant article" written by Commissioner Brown that advocated allowing the people of Fayette County to vote on what should be done with SPLOST money, which is really taxpayer's money.

Tom Halpin: Mr. Halpin began his comments by quoting President Abraham Lincoln, and by doing so reminded all present that the government is "of the people, by the people, and for the people." He stated that the public should continue to be allowed to comment at the meeting, and that he was offended when the suggestion was made to move the move public comments because Boy Scouts could be in the audience. He said parents should decide whether or not they want their children to see their government in action, not the government itself.

David Barlow: Mr. David Barlow reminded the audience of the Biblical story of Moses and his confrontation with the Pharaoh of Egypt. He said he did not feel called or anointed like Moses was, but like Moses, he was calling on the Board to "let my people go." He continued that the Hebrew nation wandered in the desert for forty years due to "corrupt leadership". He then spoke about David and Goliath, and stated that the citizens of Fayette County are going to "slay the corrupt, inept leadership of the County Board of Commissioners." He reminded all to "not be deceived, God is not mocked. For whatsoever a man soweth, so shall he reap." He closed saying all would stand before the Judge in the final judgment and would give an account for every idle word and deed.

Angela Hinton Fonda: Ms. Fonda spoke about her concerns with the proposed changes to local legislation pertaining to the procurement procedures for Fayette County. She asked the Board not to approve the proposed changes to the local legislation. She then said the United States is a nation born of dissent, and that while she may not like or agree with others, she would stand forever to defend the people's right to say it. She asked the Board to "please treat the citizens of Fayette County, in their dissent, carefully [and] thoughtfully".

Paul Parchert: Mr. Parchert supported the previous comments concerning HB270. He said he often sees politicians running for office by telling their constituents what they want to hear, but as soon as they get into office they begin listening to special interest groups and people that can buy influence. He said it was time for the Commissioners to listen to citizens who do not want the West Fayetteville Bypass and who want their money spent "smartly and efficiently." He acknowledged that the Commissioners were put into office by the citizens, but he was disappointed that public officials cannot be fired as quickly as employees in the private sector.

Darwin Edwards: Mr. Edwards said he was hearing charges of corruption and that the Board does not want to listen to the citizens. He said it made him sick to think that in Fayette County, and in the United States ,that the government will not listen to the people. He said corruption and allowing the people to speak are two issues that were very important to him.

J.D. Holmes: Mr. Holmes spoke about the distinction between the Jeffersonian and Jacksonian political philosophies. He said the Jeffersonian philosophy is a British, elitist philosophy that leads to the perception, if not the reality, of conflicts of interest, payoffs, and backroom deals. He said the Jacksonian philosophy is the more egalitarian and democratic philosophy. He thought each Commissioner loved Fayette County as much as everyone in the room, but some of the Commissioners had been acting like Jeffersonian politicians by ignoring the will of the people. He implored the Commissioners to lay aside their personal agendas, adopt the provisions of HB240, and allow the taxpayers to guide them.

Bob Ross: Mr. Bob Ross agreed with Chairman Frady that there needed to be order and decorum in the County's meetings, and that the citizens should demonstrate their respective positions by becoming involved with the County. He thanked County staff, including Finance Director Mary Holland, for her professional work on the budget. He said it was important to recognize the "positive aspects" occurring in the county, and that Ms. Holland, County Administrator Jack Krakeel, and the County engineer demonstrated those positive aspects. He spoke of a few "missteps" that had occurred recently, and how efforts had been made to correct them. He reminded the Board that the primary business of Fayette County was its citizens. He said HB240 should be supported since it gives everybody the ability to "step back", to assess the changes that have occurred since 2004, and to possibly redirect the County's current efforts. He said if a referendum were to be forthcoming, the citizens would vote as a body politic, that they would be informed, that they would make a decision, and then the citizens would support the outcome.

Pat Earnest: Ms. Earnest supported HB240 and she said it sounds like an excellent opportunity for the County to help offset what looks like an extremely dire situation with the budget. She said reallocating SPLOST funds would be "a huge hit for the County", and it would also give the citizens the opportunity to do the right thing and do something that would benefit everybody in the county.

J.D. Dierkschneider: Ms. Dierkschneider asked "What would a prudent man do?" She said if any of the Commissioners have hung around a courthouse for any length of time, they would know that many of the judicial decisions hinge on that question. She said that through apathy or ignorance, the citizens of Fayette County opened the door to the West Fayetteville Bypass, and she did not understand why some of the Commissioners are not hearing the citizens regret that decision. She said the State of Georgia had given the citizens a blessing by allowing them to have a second chance. She asked the Commissioners to be prudent and reasonable, and to allow the citizens to understand the issues in order to vote with some type of intelligence.

Denise Ognio: Ms. Denise Ognio stated to Chairman Frady that she understood that he is trying to give speakers their five minutes to speak, and that sometimes those in the audience disrupt the speaker. She said if anyone behind her agreed with the speakers that have come to speak, would they please stand and clap, and use her five minutes to do so. A large majority of those in the room stood and clapped.

CONSENT AGENDA

Commissioner Horgan moved to accept Consent Agenda Items 2-16. Commissioner Hearn seconded the motion.

Commissioner Brown asked to remove Consent Agenda Items 8, 10, 12 and 15.

Commissioner Horgan revised his motion to accept the Consent Agenda excluding Consent Agenda Items 8, 10, 12 and 15. Commissioner Hearn seconded the motion. No further discussion followed. The motion passed unanimously.

2. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney. A copy of the request and Intergovernmental Agreement, identified as "Attachment 2", follow these minutes and are made an official part hereof.

3. Approval of staff's request that the County enter into an Intergovernmental Agreement with the City of Fayetteville allowing the Fayette County Board of elections to act as Superintendent of Elections for all elections held in Fayetteville in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney. A copy of the request and Intergovernmental Agreement, identified as "Attachment 3", follow these minutes and are made an official part hereof.

4. Approval of staff's request that the County enter into an Intergovernmental Agreement with the City of Peachtree City allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney. A copy of the request and Intergovernmental Agreement, identified as "Attachment 4", follow these minutes and are made an official part hereof.

5. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Tyrone allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held n Tyrone in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney. A copy of the request and Intergovernmental Agreement, identified as "Attachment 5", follow these minutes and are made an official part hereof.

6. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Woolsey allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney. A copy of the request and Intergovernmental Agreement, identified as "Attachment 6", follow these minutes and are made an official part hereof.

7. Approval of staff's recommendation to declare ten county vehicles as unserviceable, to sell the vehicles utilizing the GovDeals internet website, and for all sales proceeds to be returned to the Vehicle Replacement Fund. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

8. Consideration of staff's request to enter into a contract with AT&T for T-1 communications service, for 35 months at a cost of $4,557.15 per month; and authorization for the Chairman to sign said contract contingent upon the County Attorney's review.

Commissioner Brown asked staff if this request could be bid out to competing vendors. Communications Director Cheryl Rogers replied that the request could be bid out, but the most reliable lines available are AT&T lines, and that the cost was approximately $9,000 less a year by signing the contract. Commissioner Brown repeated his question about whether a competitive price could be obtained from another company. Ms. Rogers answered that it was possible so long as the county was willing to go with a lesser service. Commissioner Brown asked how was it understood that the county would receive lesser service. Ms. Rogers replied that the Communications Center still has "POTS" service, or "Plain Old Telephone Service", because it is the most reliable service available, and it was her belief that using the AT&T lines are the most reliable service the county has. Discussion followed.

Commissioner McCarty told the Board that he had spent 40 years in broadcasting, and during much of that time the television stations exclusively used T-1 lines and other communication lines between studio locations and transmitters, and between network headquarters and other locations. He said competition is available, but there is very little difference between competition because once the lines are leased they belong to that

company during the term of their lease. He attested that, in his experience, the AT&T system still provides the best service. Commissioner Brown said all he was looking for was for someone to send a proposal to him and to say "This is the absolute best that we could get."

Commissioner Horgan moved to accept Consent Agenda Item 8 as presented by staff. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition. A copy of the request and AT&T contract, identified as "Attachment 8", follow these minutes and are made an official part hereof.

9. Approval of staff's recommendation to continue the maintenance agreement between Fayette County and Motorola for the 800 MHZ ASTRO Simulcast System; and to authorize the Chairman to sign the renewal contract, pending the County Attorney's review, in the amount of $483,625.52, for a term beginning July 1, 2011 and ending June 30, 2012. A copy of the request and the maintenance agreement between Fayette County and Motorola, identified as "Attachment 9", follow these minutes and are made an official part hereof.

10. Approval of the Sheriff's Office request to declare 379 cellular telephones, wireless internet cards, and related ancillary equipment as unserviceable, and authorization to dispose of said items.

Commissioner Brown asked if the phones were "turned in for cash or were they simply destroyed". He pointed out that when he was PTO President of Booth Middle School, the children were asked to bring in unused cell phones and the school made about $4,000 from them. Sheriff Wayne Hannah answered the Commissioner's question saying his concern was with the security of information on the phones, and that the Sheriff's Department had located a company that guaranteed it would strip all information from the phones. He said this disposal and procedure result in a cash return to the Department of approximately $1,000.

Commissioner Brown moved to approve Consent Agenda Item 10 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

11. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $2,316.92 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

12. Approval of the Sheriff's Office request to authorize the Chairman to execute title documents and all other required documents related to the acquisition of a 2011 Chevrolet Tahoe which has been purchased and assigned to the Sheriff's Office Field Operations Division.

Commissioner Brown informed the Sheriff that one of the common complaints that he hears, is from citizens who question why County staff and the Sheriff have to drive such large vehicles, and he asked what was the justification for purchasing a Chevrolet Tahoe. Sheriff Hannah replied that the Tahoe was purchased with equitable sharing funds, meaning it was not purchased with the County's "budget money". He continued that it is a command vehicle which has equipment in the back for command staff, and that it is a police-packaged vehicle that is pursuit rated with special tires, wheels, and equipment. He said the Sheriff's Department is finding its Tahoes are getting better gas mileage than the Ford Crown Victorias with a police-package, but they get less gas mileage that than police-packaged Dodge Chargers. Commissioner Brown summarized that the

Sheriff's Department's Tahoe is getting about the same fuel economy, that its pricing comparable to other vehicles, and there is a specific use for that type of vehicle. Sheriff Hannah agreed with the Commissioners summary.

Commissioner Brown moved to approve Consent Agenda Item 12 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

13. Approval of the Water Committee's request to insert a mailer addressing septic tank maintenance in water bills mailed to customers in unincorporated Fayette County. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

14. Approval of a request from the Sheriff's Office for authorization to dispose of uniforms and equipment no longer of use to the Department. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

15. Approval of the Water Committee's recommendation that the County continue the Metropolitan North Georgia Water Planning District Toilet Rebate Program, including an additional $25,000.00 in funding.

Commissioner Brown said he was disturbed about this request because a person would get a $50 rebate but it costs $10 for the district to process it. He asked why it costs so much to process the rebate. Water System Director Tony Parrott replied that part of the process is that the District processes all the paperwork which includes obtaining customers receipts, spot checking and auditing claims to ensure a new toilet was installed, and other operational expenses. Commissioner Brown asked if the Water System handles any of the administrative process. Mr. Parrott replied that the district will contact the Water System after they have gone through the entire process with the customer in order that a credit can be applied to a customer's account.

Commissioner Hearn asked Mr. Parrott to explain the program to the audience. Mr. Parrott replied that the District recognizes that the State of Georgia is facing an actual and growing water shortage; the degree of which is dependent on the outcome of the lawsuits between the state, Alabama, and Florida. He said one of the programs the District promotes concerns large-scale water conservation programs, and this particular program is being conducted throughout the metro-Atlanta area. He said this is a way to take toilets that were installed before 1994, replace them with toilets that are low-flow and continuously save water. He said since the program has been enacted in Fayette County, approximately 1,500 new toilets have been installed that used the program.

Commissioner Brown moved to approve Consent Agenda Item 15 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

16. Approval of the May 26, 2011 Board of Commissioners Minutes.

<u>OLD BUSINESS</u>

17. Consideration of Resolution 2011-09 which amends local legislation pertaining to Fayette County's authority to establish rules and regulations related to the purchase of goods and services for the County. This action is being taken primarily to expedite the purchase of fuel, which can result in a savings to the County.

County Attorney Scott Bennett informed the Board that it was being asked to amend the county's purchasing guidelines, concerning fuel purchases, because it is often exceeding the $20,000 threshold to fill the tanks every two weeks. He said this is creating a problem as the tanks are not being filled and it has implication on the Sheriff's vehicles and other County vehicles. He said he has spoken to Purchasing Director Ted Burgess who explained that the problem with fuel purchases is that the prices were so volatile that vendors will only quote their price for the day; making it very difficult to complete the bid process. He said staff the Purchasing Department is asking authority to be authorized to solicit standard quotes, to accept the lowest quote available, and to increase the purchasing threshold from $20,000 to $30,000 for fuel, gasoline, and diesel only. He clarified that this request was not due to a desire to increase the volume of gasoline purchased, but that it was needed due to the fluctuating and often increasing price of fuel. He noted that the request has been advertised as required, and that Resolution 2011-09 needs to be adopted at two consecutive meetings.

Commissioner McCarty asked if the quotes come on a daily basis from more than one company, and if the county is essentially obtaining verbal bids from each company on a daily basis. Mr. Bennett answered in the affirmative.

Commissioner McCarty moved to approve Resolution 2011-09. Commissioner Horgan seconded the motion.

Commissioner Brown referred back to Angela Hinton Fonda's public comments, and he said he was concerned about the purchase of goods and services, not specifically related to fuel, as implied in the wording of the agenda request form. He wanted to make sure goods and services would not be affected by the proposed amendments. Mr. Bennett replied that the proposed Ordinance was placed in the backup material and it retains all purchasing limitations except those that relate directly to fuel purchases. Some discussion followed.

The motion to approve Resolution 2011-09 passed unanimously. A copy of the request and Resolution 2011-09, identified as "Attachment 16", follow these minutes and are made an official part hereof.

18. Consideration of staff's request to award Bid #782 to Spillman Technologies, Inc. in the amount of $179,854 for the purchase of a Computer Aided Dispatch (CAD); to authorize staff to utilize $149,650 for related hardware costs and the installation of a new electrical circuit; and to authorize the Chairman to execute subsequent related contracts and documents contingent upon the County Attorney's review.

Communications Director Cheryl Rogers stated that Computer Aided Dispatch (CAD) is the backbone of the 911 Center, and she gave a brief history of the work associated with the request. She said staff and the Communications Board entertained the three lowest bids, the three bidders under consideration provided demonstrations of their products, and it was discovered that the low bidder did not meet all of the needed requirements. She concluded that staff and the Communications Board recommended that the second lowest bidder, Spillman Technologies, be awarded Bid #782. She added that the technology in the Communications Room is obsolete and there is a need to purchase hardware, in addition to the CAD, at an aggregate cost of $329,504.

Commissioner Horgan moved to approve staff's request to award Proposal #P782 to Spillman Technologies, Inc. in the amount of $179,854 for the purchase of a Computer Aided Dispatch (CAD), to authorize use of $149,650 for related hardware costs and the installation of a new electrical circuit, and to authorize the Chairman to execute the forthcoming contract upon the County Attorney's review. Commissioners Hearn and Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

TEMPORARY RECESS

The Board entered into a temporary recess at due to an electrical storm and power outage. The recess took place during New Business 19 and began at 8:17 p.m. and ended at 8:21 p.m.

NEW BUSINESS

19. Consideration of staff's request to reimburse the Water System's Fiscal Year 2011 Revenue Budget Account and to increase its Fiscal Year 2011 Intergovernmental Transfer Budget Account, utilizing Special Purpose Local Option Sales Tax funds in the aggregate amount of $105,131, for relocating waterlines at two intersections.

Water System Director Tony Parrott reported that the County realigned two intersections of Kenwood and New Hope Roads, and Huiet Road and Georgia Highway 54. He said the Water System funded the waterline relocations at those two intersections in order to facilitate the work, and he asked the Board to reimburse the Water System utilizing $105,131 from SPLOST funds.

Commissioner Hearn moved to approve staff's request to reimburse the Water System's Fiscal Year 2011 Revenue Budget and to increase its Fiscal Year 2011 Intergovernmental Transfer Budget Account, utilizing Special Purpose Local Option Sales Tax (SPLOST) funds in the aggregate amount of $105,131, for relocating waterlines at two intersections. Commissioner Horgan seconded the motion.

Commissioner Brown asked if the intersection at Huiet Road and Georgia Highway 54 involved the West Fayetteville Bypass. Mr. Parrott replied that it was at the intersection of what is now known as Veterans Parkway.

The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

20. Consideration of a contract with Mallett Consulting, Inc. for engineering services, including design, plans, specifications, bid documents and contract administration, and project management of the Magnetic Ion Exchange Treatment Process Upgrade Project at the Crosstown and South Fayette Water Treatment Plants at a cost not to exceed $540,000.

Water System Director Tony Parrott explained that the request has to do with engineering for the proposed new treatment that will be added to the two water plants at the South Fayette plant and the Crosstown Road plant. He explained that Mallet Consulting designed the original plants, and this work would "fit in" with the plants and would use piping from the existing plants as part of the treatment train.

Commissioner Horgan asked if additional funds, other than what was requested, would be required for the MIEX system. Mr. Parrott replied that the Water System would be borrowing funds to install the MIEX system since the overall project would cost approximately $9-10 million. Commissioner Brown noted that Mallet Consulting had history with the original facilities, but he asked if the engineering service was bid out. Mr. Parrott replied that professional engineering services were not bid out. Commissioner Brown asked if there were other qualified vendors that the County could have asked to bid on the project. Mr. Parrott replied that the consulting engineers that were appointed to the Water System were appointed by the Board of Commissioners, and that

he did not have a choice in the matter. He added that the County has used Mallet Consulting for years, and all of the work ties together and works well. Commissioner Brown asked if a Request for Proposal could be done. Mr. Parrott replied a Request for Proposal could be submitted for anything. Discussion followed.

Commissioner Hearn moved to approve a contract with Mallett Consulting, Inc. for engineering services, including design, plans, specifications, bid documents and contract administration, and project management of the Magnetic Ion Exchange Treatment Process Upgrade for the Crosstown and South Fayette Treatment Plant for a cost not to exceed $540,000. Commissioner Horgan seconded the motion.

Commissioner Brown said he has nothing against Mallet Consulting, and that they do a fine job for the County. However, he explained that in the current budget situation the County finds itself, he did not feel the County could afford to not bid the project out. He added that if the County can save $10,000 on a project, it would be desperately needed. He then said he could not support the motion.

The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request and contract with Mallett Consulting, Inc., identified as "Attachment 19", follow these minutes and are made an official part hereof.

21. Commissioner Brown would like to discuss "reassessing Transportation Special Purpose Local Option Sales Tax projects in a difficult budgeting environment when governmental expenses are climbing and revenues continue to drop."

Chairman Frady noted that he had not seen information provided by Commissioner Brown shortly before the meeting, that he did not know what was in the information provided, and since information was not allowed to be presented at the last minute he moved to table the request until the next meeting so that all the Commissioners would have the ability to review the material. He also informed Commissioner Brown that presenting the material was not in keeping with the County's policy.

Commissioner Brown objected to the Chairman's decision to table the discussion, saying he could give the information "just off the top of my head", but that he gave the backup as a courtesy so that the information would be written for the Board. Chairman Frady replied that he had not read the information since it had just recently been provided, that Commissioner Brown had previously complained about such practices earlier in the year, and that the information should have been provided earlier to the Board. Commissioner Brown replied that the information related to the agenda request was placed on the agenda in accordance to the County's procedures. Chairman Frady replied that the supplemental information had only been provided prior to the meeting, that he did not care if Commissioner Brown made his presentation, but that the Commissioner was not abiding by the rules. Commissioner Brown repeated that "he followed the procedure to the letter". Chairman Frady reiterated that the Commissioner had not provided the material along with his agenda request, and that the Commissioner himself had complained about such practices during his months on the Board. Discussion followed.

Commissioner Brown moved to "override the Chairman's unauthorized use of power and that the Board continue with the presentation as I followed procedure and presented according to the regulations as listed by the County." Commissioner McCarty seconded the motion. The motion failed 2-3 with Chairman Frady and Commissioners Hearn and Horgan voting in opposition.

Commissioner Brown called a Point of Order and asked the Chairman "to cite the reference where it says I have to give you a copy of any work remarks that I am going to make prior to [making them]." County Administrator Jack Krakeel read the Commissioner Agenda Policy 100.03, and County Attorney Scott Bennett explained the policy at the Chairman's request. Mr. Bennett explained that he understood two questions were coming from the exchange: 1) Can a Commissioner make a motion to table and Agenda Item, and 2) Did the Commissioners receive sufficient information. He suggested that any Commissioner can move to table an item, at the Commissioner's prerogative, based on past practice. He said the second question would have to be interpreted and answered by the Board itself.

Commissioner Brown insisted that he be allowed to continue his discussion since he was not subject to the policy since he is neither "a manager or staff." Further discussion continued. Commissioner Horgan added that he just received a twenty-plus page report that Commissioner Brown had apparently spent some time preparing, and he said in order for the Board to prepare for the discussion, the Commissioners should be allowed some time to review the material. He added that no one was saying he could not present the material, however, Chairman Frady had asked to table the issue and he did not see what the problem was with the request. Commissioner Hearn said the point in question involved the fact that he had just received a twenty-page packet that he was not given a chance to read. He said it is a courtesy to the Commissioners that material of this kind be provided to the Board "well in advance." He said the Board had agreed to a two-week submittal for all items on the agenda, including backup material. He said he had no problem with Commissioner Brown presenting his information, but he wanted an opportunity to prepare for it and study it so that there can be rebuttal. Commissioner Hearn suggested that the Board needed to "move on".

Chairman Frady confirmed that a vote had already occurred on this matter and that the Board would continue with the remainder of the agenda.

The Board decided not to proceed further with this request and discussion. A copy of the request and Commissioner Agenda Policy 100.03, identified as "Attachment 20", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS

There was no Administrator's Report.

COMMISSIONERS' REPORTS

Commissioner Allen McCarty: Commissioner McCarty spoke about the finances of the County and the citizens of Fayette County. He referenced the newspaper and stated that he had counted 121 legal notices concerning home foreclosures in the County. He said every time he looks at the paper, the number of foreclosures is sizeable. He said it is discouraging to the citizens of Fayette County, and he thought the Board needed to look at every way it could to save money and do whatever it takes to help the people keep their homes and stay in the county. Chairman Frady agreed with Commissioner McCarty.

Commissioner Lee Hearn: Commissioner Hearn stated he had one question but was interrupted by Commissioner Brown who asked if the Commissioner had submitted the materials he was about to speak about before now. He then requested County Attorney Scott Bennett to provide an explanation on HB240.

Commissioner Brown continued to protest the request. Chairman Frady ruled Commissioner Brown out of order and directed the County Marshal to escort the Commissioner from the room. Commissioner Brown left the Board of Commissioners meeting at 8:42 p.m. on his own accord and without escort. Commissioner Hearn deferred his question to a later date.

EXECUTIVE SESSION

Real Estate Acquisition: Commissioner Horgan moved to recess into Executive Session to discuss Real Estate Acquisition. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0. Commissioner Brown was not present for the vote.

The Board recessed at 8:52 p.m. and returned to Official Session at 9:14 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition was discussed in Executive Session. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0. Commissioner Brown was not present for the vote. A copy of the Executive Session Affidavit, identified as "Attachment 21", follows these minutes and is made an official part hereof.

ADJOURNMENT

Commissioner Hearn moved to adjourn the June 9, 2011 Board of Commissioners meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the June 9, 2011 Meeting at 9:15 p.m.

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Floyd L. Jones, Deputy Clerk Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of June 2011.

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Floyd L. Jones, Deputy Clerk