

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

February 25, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order
Invocation by Commissioner Barlow
Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Ms. Heather Hager with a Fire and Emergency Services "Citizen Life Saving Award" and recognition of members of Fire and Emergency Services with a Fire and Emergency Services "Unit Citation" for their actions during a call at the McCurry Park Soccer Complex.
2. Recognition of County Clerk Floyd Jones for earning the Master Clerk Certification from the Carl Vinson Institute of Government.

PUBLIC HEARING:

3. Consideration of staff's recommendation to approve an on-premise alcohol license of malt beverages and wine to Anna Karina Alvarez, doing business as Los Comales, Inc., at 1988 Highway 54 West, Fayetteville, GA 30214.

CONSENT AGENDA:

4. Approval of staff's recommended Mid-Year Budget Amendment for Fiscal Year 2016.
5. Approval of the February 11, 2016 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

6. Consideration of adoption of the Fayette County Ethics Ordinance 2016-04.

7. Consideration of the adoption of the Generic Liability Agreement to be used for the Public Arts Committee's Human Resource Photo Wall project.

NEW BUSINESS:

8. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Lisa Mahaffey to the Fayette County Recreation Commission to fulfill an unexpired term beginning immediately and expiring May 31, 2018.
9. Consideration of the adoption of Ordinance 2016-05 to enact the State Board of Health regulations promulgated by the State Department of Health for tourist accommodations, food service and portable sanitation contractors.
10. Approval of staff's request to host the "Balloons Over Fayette" Hot Air Balloon Festival and authorization to utilize \$64,500 from General Fund balance to offset expenses.

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

- A. Notification of the awarding of professional services contract, 1077-N: Lake McIntosh-Wetland Mitigation Monitoring, to Eco-Tech Consultants, Inc., in an amount not-to-exceed \$62,500.00; with an available budgeted balance of \$70,100.59; to provide year four of a five-year project for mitigation performance monitoring surveys and associated reporting.

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST Recognition #1

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Ms. Heather Hager with a Fire and Emergency Services "Citizen Life Saving Award" and recognition of members of Fire and Emergency Services with a Fire and Emergency Services "Unit Citation" for their actions during a call at the McCurry Park Soccer Complex.

Background/History/Details:

On November 15, 2015, at approximately 9:30 am Fire and Emergency Services units were dispatched to the McCurry Park Soccer Complex on McDonough Road for an unresponsive person. The call was upgraded during response to a person "not breathing". Upon arrival, units found Mr. Rodney Ball had suffered a cardiac arrest and Ms. Heather Hager, RN was performing CPR. Multiple units arrived at 9:35 a.m. and Mr. Ball was defibrillated at 9:37 a.m. The resuscitation effort and advanced cardiac life support guidelines continued on the scene as units continued to respond with Piedmont Fayette Hospital. Mr. Ball's care was turned over to the Emergency Room staff upon arrival at the hospital. He was delivered with a pulse and breathing on his own.

Mr. Ball's outcome and successful release from the hospital are a direct result of the efforts of Ms. Heather Hager and the responders to this call for help.

What action are you seeking from the Board of Commissioners?

Recognition of Ms. Heather Hager with a Fire and Emergency Services "Citizen Life Saving Award" and recognition of members of Fire and Emergency Services with a Fire and Emergency Services "Unit Citation" for their actions during a call at the McCurry Park Soccer Complex.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Recognition #2

Page 2

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of County Clerk Floyd Jones for earning the Master Clerk Certification from the Carl Vinson Institute of Government.

Background/History/Details:

The Georgia's Clerk Education program is offered to all municipal and county clerks in the state of Georgia. The Master Clerk Certification is offered by the University of Georgia's Carl Vinson Institute of Government. The Georgia Clerk Certificate Program consists of 101 hours of instruction in general management. Two certificate classes lasting two days are offered yearly in the fall and winter. Once a clerk has completed the required 101 hours to obtain the Clerk Certification they can begin to work on obtaining the Master Education Program Certification.

The Masters Education Program includes a special "Management Development Certificate" consisting of 10 advanced level management courses and a job-related or reflection project paper.

Floyd Jones was presented his Master Education Program Management Development Certification at the graduation ceremony during the February 8, 2016 Georgia Municipal Clerks and Finance Officers Association and Georgia County Clerks Association Educational Conference and Training Program in Macon, Georgia. Floyd has served as County Clerk for Fayette County for three years and is the only known Fayette County Clerk to achieve this recognition.

What action are you seeking from the Board of Commissioners?

Recognition of County Clerk Floyd Jones for earning the Master Clerk Certification from the Carl Vinson Institute of Government.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST Public Hearing #3 Page 3

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to approve an on-premise alcohol license of malt beverages and wine to Anna Karina Alvarez, doing business as Los Comales, Inc., at 1988 Highway 54 West, Fayetteville, GA 30214.

Background/History/Details:

Owner of the existing grocery store is George Harrington and is being leased to Anna Karina Alvarez, sole owner, doing business as Los Comales Inc.

The Applicant has met all requirements as required in the County Code, and the applicant has been approved by the Code Enforcement Section.

There are no outstanding violations.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to approve an on-premise alcohol license of malt beverages and wine to Anna Karina Alvarez, doing business as Los Comales, Inc., at 1988 Highway 54 West, Fayetteville, GA 30214.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Required Supporting Documentation

Survey showing a scale drawing 2/2/16 on file

Attach affidavit of each persons whose name is on application ✓

Copy of Deed or lease ✓

Background check by Sheriff Office complete

Affidavit stating the licensee and license representative is 21 years of age or older, a resident of the state of Georgia complete

Zoning Letter _____ on file

Fire Marshal Letter ON FILE

Copy of State Alcohol License _____

Copy of Secretary of State current registration _____

Fingerprint returned from Sheriff Office complete

Proof of registration with finance _____

For on premises copy of annual report of alcohol sales ✓

COUNTY AGENDA REQUEST Consent Agenda #4 ^{Page 5}

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommended Mid-Year Budget Amendment for Fiscal Year 2016.

Background/History/Details:

Staff is recommending a number of mid-year amendments to the Fiscal Year (FY) 2016 original budget.

These adjustments are necessary to account for variances in grant funds awarded and received, increase expenditure budget due to overages in several operating line items (lawn care services, software, repairs), increase budget for Water System legal expenditures, waterline replacement for Public Defender/Fire/EMS, additional funding needed to complete current project or to cover project overages, replacement of Building & Grounds vehicle due to operational issues, increased expenditures related to Fire Department part-time employees and vehicle repairs, funding the Comprehensive Transportation Plan study, close out various projects and move residual funds to contingency, approval to close completed projects, and a decrease to the LMIG4 and LMIG5 Revenue budgets. Accounting standards related to revenue recognition were changed resulting in LMIG revenues, budgeted in FY2016, to be recognized in FY2015; therefore, increasing fund balance at the end of FY2015.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommended Mid-Year Budget Amendment for Fiscal Year 2016.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2016 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2016

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> Increase (Dec)	<u>Revenue</u> Increase (Dec)	<u>Fund Balance</u> Increase (Dec)
1. A \$76,432 grant application by the Juvenile Court was included in the FY 2016 budget. The actual grant award received was \$76,427. Both revenue and expenditures associated with this grant are to be adjusted - the net effect to General Fund balance is zero.							
10020600	521316		JUVENILE COURT	TECHNICAL SERVICES	(5)		5
10020003	334219		JUDICIAL-OPER GRTS & CONTR	GRANTS		(5)	(5)
					\$ (5)	\$ (5)	\$ -
2. A \$45,000 grant application for Family Connection was included in the FY 2016 budget. The actual grant award received was \$46,000. Both revenue and expenditures associated with this grant are to be adjusted - the net effect to General Fund balance is zero.							
10050515	334219		FAMILY CONNECTION	GRANTS		1,000	1,000
10050515	521316		FAMILY CONNECTION	TECHNICAL SERVICES	1,000		(1,000)
					\$ 1,000	\$ 1,000	\$ -
3. Increase expenditure budget for Lawn Care Services for Kiwanis, McCurry and Kenwood Parks. Initial contractor could not handle bid so the next lowest bidder will receive the contract. Each park will increase by \$326/month. Service required for seven (7) months during the year. The total adjustment will be \$6,846 - offset to General Fund balance.							
10060110	522140		RECREATION	LAWN CARE SERVICES	6,846		(6,846)
					\$ 6,846	\$ -	\$ (6,846)
4. Increase Stormwater expenditures budget for software used to identify new account impervious area as part of BOC direction to address uncollectable billing accounts. Program includes entering data into the GIS database so new accounts can be processed and billed - funds offset by Stormwater Fund balance.							
50840320	542410		STORMWATER UTILITY	SOFTWARE & UPGRADES	7,500		(7,500)
					\$ 7,500	\$ -	\$ (7,500)
5. Received an insurance check for \$ 14,200 to replace a Sheriff's Office x-ray machine that was damaged by lightning - net effect to General Fund balance is zero.							
10000001	383000		GENERAL FUND	INSURANCE REIMBURSEMENT		14,200	14,200
10030323	542160		SHERIFF'S OFFICE- FIELD OPS	OTHER MOTORIZED EQUIPMENT	14,200		(14,200)
					\$ 14,200	\$ 14,200	\$ -
6. Increase expenditures to fund a water line replacement needed to bring Station #4 fully operational; Fayetteville co-location ended with failed Fayetteville Fire Consolidation. The building is occupied by Fire, EMS and the Public Defender - offset to fund balance of each of the funds (EMS, Fire, and General fund).							
27230600	522256		EMS	UTILITY SERVICES	2,800		(2,800)
27030550	522256		FIRE SERVICES	UTILITY SERVICES	2,800		(2,800)
10020800	522256		PUBLIC DEFENDER	UTILITY SERVICES	1,400		(1,400)
					\$ 7,000	\$ -	\$ (7,000)
7. Adjustment to increase Water System legal services expenditures by \$100,000 per BOC approved Lake Horton wetland mitigation related legal costs; funding coming from the R & E Fund balance - offset to Water System Fund balance.							
50541010	521213		WATER SYSTEM	LEGAL SERVICES	100,000		(100,000)
					\$ 100,000	\$ -	\$ (100,000)
8. Additional funding needed for the purchase of a vehicle for Environmental Management and Emergency Management. The FY2016 Budget replacement cost neglected to fully address outfitting of vehicles - offset to the Vehicle/Equipment Fund balance.							
61040320	542200	6320A	ENVIRONMENTAL MANAGEMENT	VEHICLES	5,904		(5,904)
61030930	542200	6930A	EMERGENCY MANAGEMENT	VEHICLES REPLACEMENT	8,194		(8,194)
					\$ 14,098	\$ -	\$ (14,098)
9. Funding needed for the purchase of a replacement vehicle for Building and Grounds Maintenance. The F250 was scheduled to be replaced in FY2017 however due to a failed transmission the replacement has been expedited. - offset to Vehicle/Equipment Fund balance.							
61040320	542200	XXXXX	BUILDINGS & GROUNDS	VEHICLES	26,747		(26,747)
					\$ 26,747	\$ -	\$ (26,747)
10. Increase expenditures budget for striping/wrapping of new minibus for Recreation/Fayette Senior Services - offset to Vehicle/Equipment Fund balance.							
61060110	542200	6110A	RECREATION	VEHICLES	1,200		(1,200)
					\$ 1,200	\$ -	\$ (1,200)

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2016 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2016

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> Increase (Dec)	<u>Revenue</u> Increase (Dec)	<u>Fund Balance</u> Increase (Dec)
11. New project for the Comprehensive Transportation Plan (CTP) in the amount of \$312,500. The project is federally funded with a 80/20 split. The local match of \$62,500 to be transferred from project 6220K. Since project 6220K was not approved at the regional level, the remaining balance of \$57,500 in the project can be transferred to Project Contingency. Project 6220K would then be closed - zero net effect to CIP Fund balance.							
37540220	521316	XXXXX	ROAD DEPARTMENT	TECHNICAL SERVICES	312,500		(312,500)
37540220	334219	XXXXX	GRANTS	GRANTS		250,000	250,000
37540220	390375	XXXXX	TRANSFERS FROM OTHER FUNDS	TRANSFERS FROM OTHER FUNDS		62,500	62,500
					\$ 312,500	\$ 312,500	\$ -
37540220	521316	6220K	ROAD DEPARTMENT	TECHNICAL SERVICES	(62,500)		62,500
37540220	610375	6220K	ROAD DEPARTMENT	TRANSFER TO CIP	62,500		(62,500)
37540220	521316	6220K	ROAD DEPARTMENT	TECHNICAL SERVICES	(57,500)		57,500
37510599	579000		CONTINGENCY	CONTINGENCY	57,500		(57,500)
					\$ -	\$ -	\$ -
12. The following Capital Projects associated with the FY 2016 Budget.							
a. Remodeling the office of the Environmental Management Department due to new BOC approved Environmental Management Department staff added as part of the FY2016 budget - funded from Project Contingency funds.							
37510599	579000			CONTINGENCY	(13,190)		13,190
37510599	610375			TRANSFER TO CIP	13,190		(13,190)
37540320	390375	XXXXX	ENVIORNMENTAL MGNT	TRANSFER FROM CIP		13,190	13,190
37540320	541210	XXXXX	ENVIORNMENTAL MGNT	OTHER IMPROVEMENTS	13,190		(13,190)
					\$ 13,190	\$ 13,190	\$ -
b. Delay Pole Barn Project to fund BOC approved Beta Project for Highway 54 & 74 maintenance and mowing - includes one new zero turn lawn mower and a dump trailer - additional funding needed to come from department's existing M&O budget funds.							
10010565	542140		BUILDING & GROUNDS	FIELD EQUIPMENT	(4,108)		4,108
37510565	541320	6565D	BUILDING & GROUNDS	BUILDING & STRUCTURE	(13,200)		13,200
37510565	541240	6565D	BUILDING & GROUNDS	FIELD EQUIPMENT	11,613		(11,613)
37510565	542200	6565D	BUILDING & GROUNDS	VEHICLES	5,695		(5,695)
					\$ 4,108	\$ 4,108	\$ -
c. Fund replacement of unserviceable Tire Changer - funded from Project Contingency funds.							
37510599	579000			CONTINGENCY	(14,000)		14,000
37540900	542165	XXXXX	FLEET MAINTENCE	FIELD EQUIPMENT	14,000		(14,000)
					\$ 14,000	\$ 14,000	\$ -
d. Fund installation of a Heavy Duty 4 -Post Lift Fleet Maintenance operations - funded from Project Contingency funds.							
37510599	579000			CONTINGENCY	(30,000)		30,000
37540900	542165	XXXXX	FLEET MAINTENCE	FIELD EQUIPMENT	30,000		(30,000)
					\$ 30,000	\$ 30,000	\$ -
13. Due to a change in accounting standards, LMIG funds are now recognized as revenue when received rather than as expensed. Revenue for LMIG4 & LMIG5 was recognized in FY 2015. Revenue for LMIG4 and LMIG5 that was included in the FY 2016 budget will be deleted - offset to General Fund balance.							
10040004	334311	LMIG4	GENERAL FUND	ROAD GRANTS		(83,203)	(83,203)
10040004	334311	LMIG5	GENERAL FUND	ROAD GRANTS		(557,834)	(557,834)
					\$ -	\$ (641,037)	\$ (641,037)
100	135260	LMIG4	GENERAL FUND	FUND BALANCE RESTRICTED GRANT	(83,203)		83,203
100	135260	LMIG5	GENERAL FUND	FUND BALANCE RESTRICTED GRANT	(557,834)		557,834
					\$ (641,037)	\$ -	\$ 641,037
14. The anticipated LMIG6 grant award included in the FY 2016 budget was for \$594,805. Per GDOT, the formula amount for year 2016 is \$ 582,692. The FY 2016 budget will be adjusted by \$12,113 to match the GDOT formula amount - offset to General Fund balance.							
10040004	334311	LMIG6	GENERAL FUND	ROAD GRANTS		(12,113)	(12,113)
					\$ -	\$ (12,113)	\$ (12,113)
15. Replacement of a unserviceable copier with a new copier to be used by the Road Department, Engineering Department and Fleet Maintenance. Copier added to the current project 6535A which is funded from Project Contingency - zero net effect to CIP Fund balance.							
37510599	579000			CONTINGENCY	(5,238)		5,238
37540220	542530	6535A	ROAD DEPARTMENT CIP	BUS/ COMM MACHINES	5,238		(5,238)
					\$ 5,238	\$ 5,238	\$ -

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2016 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2016

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> Increase (Dec)	<u>Revenue</u> Increase (Dec)	<u>Fund Balance</u> Increase (Dec)
16. Project 5270B for Fire Station Renovations has been completed. Fire Station #1, #4, #5, #7, and #10 show a total cost of less than \$5000 and will need to be transferred back to the M&O budget. The total balance of the project has an overage which will be covered by a transfer from Fire Contingency							
37530550	522225	5270B	FIRE CIP	FLOORING/CARPET	\$ (11,758)		11,758
27030550	522225		FIRE CIP	FLOORING/CARPET	\$ 11,758		(11,758)
					\$ -	\$ -	\$ -
37510599	579000	FIRE	FIRE CONTINGENCY	CONTINGENCY	(34.25)		34.25
37530550	542393	5270B	FIRE CIP	APPLIANCES	34.25		(34.25)
					\$	\$ -	\$ (34.25)
17. Close completed Capital Projects. Residual funds closed to project contingency and projects with budget shortages will be covered by funding in project contingency.							
a. Project 3270A for Fire Services Burn Building has a remaining balance which will be transferred to Fire Contingency.							
37530550	542165	3270A	FIRE CIP	OTHER NON-MOTOR EQUIPMENT	(4,453.61)		4,453.61
37510599	579000	FIRE	FIRE CONTINGENCY	CONTINGENCY	4,453.61		(4,453.61)
					\$ 4,453.61	\$ 4,453.61	\$ -
b. Project 5002C for McCurry Park Drainage Improvements has a remaining balance which will be transferred to Parks Contingency.							
37560110	531171	5002C	RECREATION CIP	ASPHALT & TACK	(2,840.14)		2,840.14
37510599	579000	PARKS	PARKS CONTINGENCY	CONTINGENCY	2,840.14		(2,840.14)
					\$ 2,840.14	\$ 2,840.14	\$ -
c. Project 5509D for Lawson Lane has an overage which will be covered by a transfer from Stormwater M & O repairs and maintenance budget.							
50840320	522230		STORMWATER	REPAIRS & MAINTENANCE	(29,509.06)		29,509.06
50940320	521211	5509D	STORMWATER CIP	ENGINEERING SERVICES	29,509.06		(29,509.06)
					\$ 29,509.06	\$ 29,509.06	\$ -
d. Project 5535C for Equipment Refresh has a remaining balance which will be transferred to Project Contingency.							
37510535	542420	5535C	INFO SYSTEMS CIP	COMPUTER EQUIPMENT	(279.04)		279.04
37510599	579000		CIP CONTINGENCY	CONTINGENCY	279.04		(279.04)
					\$ 279.04	\$ 279.04	\$ -
e. Project 5535H for Phase 2 Energov has a remaining balance which will be transferred to Project Contingency							
37510535	542410	5535H	INFO SYSTEMS CIP	SOFTWARE & UPGRADES	(2.56)		2.56
37510535	610375	5535H	INFO SYSTEMS CIP	TRANSFER TO CIP	2.56		(2.56)
					\$ 2.56	\$ 2.56	\$ -
f. Project 5565K for the Senior Center renovation has a remaining balance which will be transferred to Project Contingency.							
37510565	521211	5565K	BUILDINGS & GROUNDS	ENGINEERING SERVICES	(12,999.50)		12,999.50
37510599	579000		CIP CONTINGENCY	CONTINGENCY	12,999.50		(12,999.50)
					\$ 12,999.50	\$ 12,999.50	\$ -
g. Project 5930A for Weather Warning sirens has a remaining balance which will be transferred to Siren Contingency.							
37530930	542520	5930A	PUBLIC SAFETY CIP	SAFETY EQUIPMENT	(17,956.00)		17,956.00
37510599	579000	SIREN	SIREN CONTINGENCY	CONTINGENCY	17,956.00		(17,956.00)
					\$ 17,956.00	\$ 17,956.00	\$ -
h. Project 6110L for McCurry Park Fencing has a balance which will be transferred to Parks Contingency.							
37560110	541210	6110L	RECREATION CIP	OTHER IMPROVEMENTS	(612.16)		612.16
37510599	579000	PARKS	PARKS CONTINGENCY	CONTINGENCY	612.16		(612.16)
					\$ 612.16	\$ 612.16	\$ -
i. Project 6270C for Fire Station 5 Air Vac Exhaust & Proxy Card has a balance which will be transferred to Fire Contingency							
37530550	541210	6270C	FIRE CIP	OTHER IMPROVEMENTS	(1,380.00)		1,380.00
37510599	579000	FIRE	FIRE CONTINGENCY	CONTINGENCY	1,380.00		(1,380.00)
					\$ 1,380.00	\$ 1,380.00	\$ -
j. Project 6270D for a Fire Hose has a balance which will be transferred to Fire Contingency.							
37530550	542520	6270D	FIRE CIP	SAFETY EQUIPMENT	(92.00)		92.00
37510599	579000	FIRE	FIRE CONTINGENCY	CONTINGENCY	92.00		(92.00)
					\$ 92.00	\$ 92.00	\$ -
k. Project 6270E for Fire Station 1 Air Vac Exhaust & Proxy Card has a balance which will be transferred to Fire Contingency							
37530550	541210	6270E	FIRE CIP	OTHER IMPROVEMENTS	(1,380.00)		1,380.00
37510599	579000	FIRE	FIRE CONTINGENCY	CONTINGENCY	1,380.00		(1,380.00)
					\$ 1,380.00	\$ 1,380.00	\$ -
l. Project 6272C for a Mechanical CPR Lucas Device has a balance which will be transferred to EMS Contingency.							
37530600	542520	6272C	EMC CIP	SAFETY EQUIPMENT	(1,584.30)		1,584.30
37510599	579000	EMS	EMS CONTINGENCY	CONTINGENCY	1,584.30		(1,584.30)
					\$ 1,584.30	\$ 1,584.30	\$ -
m. Project 6326B for Jail Kitchen Appliances has a balance which will be transferred to Project Contingency							
37530326	542393	6326B	JAIL CIP	APPLIANCES	(14,590.00)		14,590.00
37510599	579000		CIP CONTINGENCY	CONTINGENCY	14,590.00		(14,590.00)
					\$ 14,590.00	\$ 14,590.00	\$ -

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2016 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2016

ORG	OBJ	Proj	DEPARTMENT	ACCOUNT DESCRIPTION	Expenditure	Revenue	Fund Balance
					Increase (Dec)	Increase (Dec)	Increase (Dec)
n. Project 6326C for Akeytrak Key Storage & Monitoring System has an overage which will be covered with a transfer from Project Contingency.							
37510599	579000		CIP CONTINGENCY	CONTINGENCY	(145.45)		145.45
37530550	542393	6326C	JAIL CIP	COMPUTER SOFTWARE	145.45		(145.45)
					\$ 145.45	\$ 145.45	\$ -
o. Project 5110J for the Kiwanis Athletic Field Lighting has a remaining balance which will be transferred to Project Contingency.							
37560110	541210	5110J	CIP CONTINGENCY	OTHER IMPROVEMENTS	(64,115.00)		64,115.00
37510599	579000		CIP CONTINGENCY	CONTINGENCY	64,115.00		(64,115.00)
					\$ 64,115.00	\$ 64,115.00	\$ -

17. The following projects have been completed and do not have any remaining funds available.

- a. Project 5535M for Marshall & Swift tables.
- b. Project 6565D for Building and Grounds Equipment.
- c. Project 5535A for Aerial Photography.
- d. Project 5535N for Virtualization & PC Repurposing.
- e. The following SPLOST projects have completed and reflect a zero balance:
 - B-3 Kenwood Road Bridge
 - I-13 Antioch Road @ Goza Road / ROW- Antioch Road @ Goza Road
 - I-12 Antioch Road @ McBride Road/ RWO-Antioch Road @ McBride Road
 - I-16 Crosstown Road & South Peachtree Parkway
 - FC-2 Corinth Road @ Hwy 54
 - FC-15 Inman Road @ Goza Road Intersection
 - R-5E WFB II- Bridge @ Whitewater Creek
 - R-5A WFB II- Engineering & Design
 - R-5B WFB II- ROW
 - R-5C WFB II- Construction

18. Increase contract # 989-A Crosstown Water Treatment Plant Roofing System for additional roof flashing. Move funding from the R&E Fund expense line-item - zero net effect to Water System Fund balance.

50543031	522235		WATER SYSTEM	CROSSTOWN WTP BLDG. MAINT.	3,000		(3,000)
					\$ 3,000	\$ -	\$ (3,000)

19. Adjustment to the State Court Judge - DUI Grant. The grant amount originally awarded is for \$66,950 with a local match of \$7,439 for a total of \$74,389. Since there were no expenses associated to the grant incurred during the months of July-September, the state adjusted the grant award amount to \$50,212 with a required local match of \$5,579 for total of \$55,791 - offset to General Fund balance.

10020330	511105		STATE COURT JUDGE	REGULAR SALARY	(10,192)		10,192
10020330	512200		STATE COURT JUDGE	FICA/MEDICARE	(780)		780
10020330	512420		STATE COURT JUDGE	DEFINED BENEFITS 2009	(642)		642
10020330	512901		STATE COURT JUDGE	LIFE INSURANCE PREMIUM	(16)		16
10020330	512902		STATE COURT JUDGE	LONG-TERM DISABILITY INSURANCE	(25)		25
10020330	512905		STATE COURT JUDGE	EMPLOYEE ASSISTANCE PROGRAM	(5)		5
10020330	521316		STATE COURT JUDGE	TECHNICAL SERVICES	(6,726)		6,726
10020330	523400		STATE COURT JUDGE	PRINTING/BINDING SERVICES	(112)		112
10020330	531114		STATE COURT JUDGE	OFFICE SUPPLIES	(100)		100
10020003	334219		GRANTS	GRANTS		(16,738)	(16,738)
					\$ (18,598.00)	\$ (16,738.00)	\$ 1,860.00

20. Allocate remaining \$115,000 of Fund 361 CJC bond funds to 5236A Old Jail Renovations. Total funds to be allocated \$115,000; however, anticipate using \$55,000 to make the Old Jail project fully functional. Remaining funds will be used for the Old Jail or Justice Center improvements.

36110599	579000		CJC CONTINGENCY	CONTINGENCY	(115,000.00)		115,000.00
36130326	541210	5326A	CJC BOND PROCEEDS	OTHER IMPROVEMENTS	115,000.00		(115,000.00)
					\$ -	\$ -	\$ -

21. Increase Water System budget \$50,000 for Task Order Proposal FC021 Private Water System Analysis. Task order will provide funding for engineering evaluations for the possible acquisition of five (5) private water distribution systems within FCWS per Water Committee approval and recommendation.

50541010	521213		WATER SYSTEM	TECHNICAL SERVICES	50,000.00		(50,000.00)
					\$ 50,000.00	\$ -	\$ (50,000.00)

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2016 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2016

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> Increase (Dec)	<u>Revenue</u> Increase (Dec)	<u>Fund Balance</u> Increase (Dec)
				100 - GENERAL FUND	\$ 4,843	\$ (654,693)	\$ (659,536)
				100-GENERAL FUND- RESTRICTED GRANT	(641,037)		\$ 641,037
				270 - FIRE SERVICES FUND	14,558	11,758	(2,800)
				272 - EMS	2,800	-	(2,800)
				361- CJC BOND	115,000	115,000	-
				375 - CIP PROJECTS FUND	441,823	558,998	117,175
				375- CONTINGENCY	117,174		(117,174)
				505 - WATER SYSTEM	153,000	-	(153,000)
				508- STORMWATER	7,500	-	(7,500)
				509-STORMWATER CIP	29,509	29,509	-
				610 - VEHICLE/EQUIPMENT FUND	42,045	-	(42,045)
				ALL FUNDS	<u>\$ 287,216</u>	<u>\$ 60,572</u>	<u>\$ (226,644)</u>

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

February 11, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the February 11, 2016 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Commissioner Brown

Commissioner Brown offered the Invocation.

Pledge of Allegiance

Georgia State Representative Virgil Fludd led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda as printed. Commissioner Brown seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:**1. Recognition of EMA Director / Division Chief Pete Nelms and his distinguished 26-year career with Fayette County.**

The Board, State Representative Virgil Fludd, Chief David Scarbrough, Deputy Chief Tom Bartlett, County Administrator Steve Rapson, and numerous firefighters recognized Division Chief Nelms' service to Fayette County and the State of Georgia. Chief Nelms' family joined him in receiving the recognition. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. **Consideration of staff's request to adopt Resolution 2016-05 pertaining to the "Fayette County 2015 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2016- FY2020)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs.**

Community Development Director Pete Frisina stated that the Permits and Inspections Department collects the impact fees when a building permit is issued and it also makes the collection for the towns of Brooks and Woolsey. He stated that the fees are transmitted to the Finance Department who keeps account of those payments. He stated that each year forms are completed to submit to the Atlanta Regional Commission and the Department of Community Affairs. He stated that the County has collected about \$170,000 this year in impact fees. Mr. Frisina explained that about fourteen years ago, Fayette County instituted an impact fee for fire services in order to pay the government back for improvements made to the fire service based on extended capacity for new population. He said the money is collected only for fire services.

No one spoke in favor of or in opposition to this matter.

Commissioner Brown moved to adopt Resolution 2016-05 pertaining to the "Fayette County 2015 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2016- FY2020)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs. Commissioners Ognio and Barlow seconded the motion. The motion passed 5-0. Copies of the request and Resolution 2016-05, identified as "Attachment 2," follow these minutes and are made an official part hereof.

CONSENT AGENDA:

Commissioner Rousseau moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. Brief discussion followed. The motion passed 5-0.

3. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2017 which begins July 1, 2016 and ends June 30, 2017. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.**
4. **Approval of the January 28, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

5. **Consideration of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Aaron Wright to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020.**

Greg Dunn: Mr. Dunn, former Chairman of the Board of Commissioners, stated that he talked to each Commissioner and that the Board kindly postponed voting on this matter when it first came up at the January 28, 2016 Board of Commissioners meeting. He reported that since that time there has been no success in getting the Fayette County Republican Party to comply with the rules of electing someone to the Board of Elections. He stressed that the issue had nothing to do with the people but everything to do with a process that was not followed. Mr. Dunn understood that the Board may have been advised that the certificate had to be signed, but he suggested that a precedent had already been set by the Board when it took fourteen months amongst five Republicans to determine who was to sit on the Board of Elections. He asked the Board for a little more time for the party to solve its problem. He mentioned that there was an appeal in process and he questioned what would happen if his side won the appeal.

Tyrone Jones: Mr. Jones, serving as the Chairman of the Fayette County Republican Party, wished party business did not have to come before the Board of Commissioners. He stated that the party was as careful as possible to ensure the nominating process was executed positively and successfully. He stated that the party's leadership and the County Committee followed procedures every step of the way to ensure it was in compliance with established principles and values as well as policies and procedures. He said the party reexamined the process to ensure its integrity after being appraised of unfounded complaints by those who disagreed with the results. He said the problem with government is that the will of the people is not adhered to resulting in deprivation of freedom. He said the Republican Party voted and it is regretful that a small band of dissenters have a difficult time accepting that elections and appointments have term limits. Mr. Jones stated that it appeared to him that this is an engagement in the old game of cronyism. He explained that the people comprise the Republican Party, and he stressed that over the past three years the party has worked very hard to repair damage that has been done in the community by crony politics. He said the party has worked much too hard to regress to the "good old boys club" that tramples on the rights of those who disagree. He closed by asking the Board to make the right decision.

Commissioner Brown moved to approve Aaron Wright to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020. Commissioner Ognio seconded the motion.

Commissioner Barlow read two letters that were sent to him, one from Mr. Greg Dunn and the other by Ms. Grace Caldwell. He stated that both letters were written by former commissioners who deserved to have their voices heard. He asked the Chairman to have the County Attorney provide the guidelines that the Board needs as a voting commission. He thought the public needed to hear what the Board was confronted with before it takes a vote.

Commissioner Ognio stated this concerned the Republican Party's appointment; not the Board's appointment. He pointed out the Board had a letter from the Republican Chairman stating Mr. Wright was the appointee and he reminded the Commissioners that the Board is not to adjudicate the rules of the Republican Party. He stated that the appointment that Mr. Dunn spoke referred to the County's nominee to the Board and had nothing to do with the parties. He closed saying it was the Board's position to only acknowledge the appointment.

Commissioner Brown stated he was disheartened that this matter went to a second meeting and he was disappointed that the letters Commissioner Barlow read were sent to only two commissioners instead of to all the commissioners. He agreed the fourteen-month appointment Mr. Dunn referred to was the Board appointment. He stated that he had filed a complaint against Mrs. Watts when she was appointed to the Board of Elections by her son since he thought it was an ethical issue. He stated that Mrs. Watts wrote a letter to the Board of Commissioners stating she would not campaign for any candidates but she violated that pledge by campaigning for Newt Gingrich's presidential bid when she had a fundraiser. He explained that he raised the complaint about her actions to the Executive Committee of the Republican Party since that is the proper way to handle these matters. Commissioner Brown said he was really worried about the Board micromanaging local political parties, without authority, because someone issued a complaint. He stated that if this matter has to go to the courts then Mrs. Watts can go to the courts. He said he was tired of the innuendo that the Board has authority over the local parties and he urged the Board to approve the Republican Party's nominee.

Lana Jones: Mrs. Jones addressed Commissioner Barlow saying that while she appreciated his desire to represent previous commissioners, those who come to the Republican Party and pay their dues and voted have the say. She stated that Ms. Caldwell and Mr. Dunn have their opportunity through the Republican Party to vote. She said during the last meeting Commissioner Barlow was vocally standing for Mrs. Watts, and she thought Commissioner Barlow was inappropriately supporting Mrs. Watts. She suggested that most of the commissioners were inexperienced when they first took office and that Ms. Watts was inexperienced when she was first appointed to the Board of Elections. She stressed that this was a Republican Party issue that was unanimously voted on by the Executive Board followed up by a vote of the County Committee. She concluded that it was mockery for this issue to be taken up by the Board and she pointed out that the Democrat Party was not subjected to this scrutiny. She asked the Board to approve the appointment and to follow the process that has been adhered to for years.

Bonnie Willis: Mrs. Willis, Interim Secretary for the Fayette County Republican Party, stated she believes in facts and concrete evidence. She acknowledged this was an emotional issue and she wanted to allay the Board's concerns. She produced the minutes of the Republican Party as well as copies of a letter. She produced the rules for the party stating electronic voting can be conducted albeit the votes cannot be secret. She stated that each voter and how they voted can be identified. She stated that the final vote was 22 in favor of Mr. Aaron Wright out of 32 members. She reported that nine voted against Mr. Wright and one person abstained from the vote. She acknowledged that someone sent a letter making claims but there is no supporting documentation supporting those claims. She said it hurt her to think the people had to come to the Board and defend themselves as a party. She concluded that if the Board allows for three people to circumvent the authority of the Republican Party's chairman then it would say a lot about the Board of Commissioners.

Chairman Oddo clarified that his intention at the last meeting was to allow the party some additional time to work out its issues, which he would do that for any party. He agreed that he preferred for this issue to not be before the Board. He said the Commissioners had heard both sides presented but that the Board was not in a position to judge on the issues. He appreciated the passion on both sides of the issues but agreed that the Board's job stops with the confirming the appointment.

The motion to authorize the County Clerk to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Aaron Wright to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020 passed 5-0. Copies of the request and Certificate of Appointment, identified as "Attachment 4," follows these minutes and is made an official part hereof.

NEW BUSINESS:

6. Consideration of staff's recommendation to approve the proposed Security Camera Policy.

Chief Marshal Harold Myers reminded the Board that staff issued a press release last year announcing that the county would install security cameras in parks and other areas. He said the press release raised concerns about privacy and the intended use of the cameras. He stated that the proposed policy restated the position and addressed the expectation of privacy both from the citizens and employees. He stated that the policy provides for the administration of the system and clearly defines the roles and responsibilities of those who have access to the images. He pointed out that the policy has a code of conduct that all people with access to the security camera and its footage will be required to sign. Chief Myers stated that the policy had been reviewed and approved by staff and was reviewed by County Attorney Dennis Davenport's office.

Commissioner Brown asked if there was anything that was not implemented from the red-line version into the clean document that was provided to the Board. County Administrator Steve Rapson stated there were and he suggested that the Board review the comments to ensure the comments were adequately addressed. Commissioner Brown suggested that the proposed document should demonstrate the language that has been added or deleted in order to provide an easy understanding of the changes. He stated it was frustrating to hold two documents together and compare them. Mr. Rapson replied that in the future the Board will direct staff to write a policy for the Board's consideration. He anticipated that the Board would suggest red-line changes to the policy and the red-line changes would be returned back to the Board.

Commissioner Brown stated that at some point there needed to be a collaborative effort where a point person communicates with Board members so that there are not five sets of comments landing on a paper that requires a staff member to adjudicate which comments to add and which comments to disregard. He stated that the point person would be able to meld a document together by communicating with the commissioners. Chairman Oddo replied that the county basically had that process but the Board changed the process so there were kinks that had to be worked out.

Commissioner Ognio stated that since the policy was brand new, it would not be fair to provide it to the citizens in a red-line version since they need to be able to see the document as a whole. He added that, in fairness to being transparent, there needed to be a document with comments provided to the Board and for the document to be sent to the attorney for evaluation. He agreed that there needed to be a system that is better for both the citizens and commissioners to understand.

Commissioner Brown stated that he has some people who complain that meetings last too long. He said he was all about open meetings and records but he pointed out that there is no breach in ethics or law for the Chairman to communicate individually with the commissioners on policies in order to create a melded, draft document. He said the improved process would reduce the numbers of meeting to one meeting in order to approve policies. Mr. Rapson stated that the process is even more complicated since staff could provide a nice clean document to the Board at a meeting where it would receive conflicting comments from the Commissioners. He explained that, unfortunately, the comments would not come all at one time since additional comments would come after the public meeting. Commissioner Brown stated that it would require communication from the Board to reach an agreement. Mr. Rapson stated he would take responsibility working with the Chairman to make that communication, but if there is no consensus between the commissioners then the only thing staff could do is ask the conflicting commissioners to speak to each other.

Commissioner Brown moved to table the proposed policy and get a marked version of a final document so that if there is anything that needs to be sorted out then it can be sorted out and passed at the next meeting.

Commissioner Rousseau stated that his issues that he raised were based on procedural matters including chain of evidence, who is making copies, and other procedural matters. Chief Myers added that only three or four changes were made. Commissioner Rousseau added that he has to defer to professional judgment on these matters and he pointed out that as issues arise and policy revisions are needed then those revisions can be made.

Commissioner Brown removed his motion to table.

Commissioners Brown and Rousseau moved to approve the proposed Security Camera Policy. Commissioner Ognio seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

7. Consideration of staff's request to work with Stifel-Merchant Capital Division Underwriters to pursue refunding a portion of the Series 2009 Water System Bonds for potential debt service savings.

Chief Financial Officer Mary Parrott reported that in 2009 the Water System issued bonds for the purpose of paying off earlier bonds and a number of GEFA loans. She stated that \$16.5 million was then borrowed to build Lake McIntosh. She reported that the county has the opportunity to refund a portion of the bonds at a lower interest rate. She continued reporting that staff had been working with Stifel-Merchant Capital and that the county has a relationship with the company since it was involved in the original issue of the bonds. She stated that staff continually monitors bonds looking for opportunities like the ones being presented before the Board, and she stated that staff believes this is the time to consider the opportunity. She pointed out that three options were examined and that staff recommended a private placement in lieu of a public offering. She stated that a public offering is a very intense undertaking that costs a lot more money; approximately \$300,000.00. She stated that a private placement is about half the cost, is a much quicker undertaking, and allows for the county to lock in an interest rate. She estimated that this recommendation would save the Water System approximately \$65,000.00 annually in its debt service payment, but that it would all depend on the rate that is able to be obtained when the rate is structured.

Chairman Oddo mentioned that there were two private placement options: callable and non-callable. Mrs. Parrott agreed and stated that the non-callable would save a little bit more money upfront but it would lose the option of calling the bond later. She explained that after speaking with the bond attorney, the callable option, since it is not a lot of difference in the money, is recommended because it would give the county the opportunity to “grab these and other bonds and use opportunities to wrap them together and get a better deal.” She specified that staff’s recommendation was to approve the five-year callable private placement terms referred to as Option #3.

County Administrator Steve Rapson stated that the gross savings associated with Option #3 is \$881,969.00 and that present value dollars is about \$774,000.00. He stated that the county would save about \$63,000.00 in annual debt service, and since the recommendation is to privately place the bonds versus publicly placing them, the actual issuance cost is about \$149,000 cheaper. Mr. Rapson stated that the county would then have the option to do another refinance in the future if it wanted. Mrs. Parrott added that the average coupon for the original bond was about 4.5% interest, but the deals under consideration would take the county down to the 2% level.

Commissioner Ognio asked what the total bond was for the Water System. Mrs. Parrott replied that the total bond after this year’s payment is \$45 million. Mr. Rapson added that the only reason the county was considering refinancing \$16 million of the bond was because that was the only portion of the bond that is callable and that can be refinanced. He said if rates drop again in the coming years this could be refinanced again.

Commissioner Brown moved to approve staff working with Stifel-Merchant Capital Division Underwriters to pursue refunding a portion of the Series 2009 Water System Bonds, to go with Option #3 private placement callable for five years. Commissioner Barlow seconded the motion. The motion passed 5-0. A copy of the request, identified as “Attachment 6,” follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Marilyn Watts: Mrs. Watts stated she had not intended to speak but Commissioner Brown said something that was absolutely false when he said her son appointed her to the Board of Elections. She stated that Mr. Brown’s comments were untrue since the Chairman of the Party does not make the appointment. She stated that she was nominated and recommended by a nominating committee and the full county committee voted for her to put her in the position. She acknowledged that her son was Chairman at the time of her appointment but that he did not appoint her to the position. She stated that she did not give a fund raiser for Newt Gingrich at the Peachtree City Airport since it was chaired by Peggy Perkins and Reverend George Dillard. She said she had not even been sworn into the Board of Elections when the fundraiser took place and she did not chair it. Ms. Watts asked Commissioner Brown to refrain from telling those things that he has repeated over and over. She stated that it had been mentioned earlier in the evening that she was sued by the Fayette County Republican Party, not for cause, but because the party wanted to put its own new person on the Board. She stated that the suit, which was by the Fayette County Republican Party, its former Chairman Scott Fabricius, and Attorney Richard Hobbs, cost the taxpayers about \$58,000.00. She stated the suit was frivolous and that it drug her name through the mud for three years. She stated that Commissioner Brown was one of the witnesses for the Plaintiffs. Commissioner Brown replied that he was called by Ms. Watts’ attorney to give a deposition; however, Ms. Watts disagreed with Mr. Brown’s reply. She added that Commissioner Brown was the Plaintiff’s witness and she stated that there were many things being said that were untrue. She said she would appreciate it if the people who brought the lawsuit would reimburse the county for \$58,000.00 and she stated that many citizens have asked her why the citizens had to pay for the lawsuit over an internal matter. She closed by asking the Board to consider recovering the money for the lawsuit.

Alice Jones: Mrs. Jones thanked Public Works Director Phil Mallon for working with the people on Lawson Lane and for putting in pipes to better manage the stormwater. She stated that the last storm caused trees to fall and the trees blocked the drains. She stated that the drain system is not open wide enough to take some of the debris causing a lot of build-up. She asked if the public works staff to come back to her street to address the matter before repeating that staff had done a wonderful job. Mrs. Jones stated that the water in her area has an odor to it and she asked if it could be addressed. Mrs. Jones stated that as she

drives throughout the county and its various municipalities, she sees that there are incarcerated people picking up trash along the roads. She stated that on State Route 279 people often throw trash on the road and she asked for "No Littering" signs to be put along the street.

Richard Mix: Mr. Mix stated that he is from Newnan, Georgia and a Republican candidate for the 3rd Congressional District. He stated he is not a politician but rather is a businessman and concerned citizen who is the father of two teenage daughters. He stated that he has worked in the film industry where he executive produced two feature films and has produced dozens of commercials and video product. He said the biggest thing he brings to the party is that he has traveled the world and has seen the impact that the political, economic, and social changes have made and the role the United States plays on the world stage. He thought it was valuable that someone in the position has a world-view. He added that it was important that Georgia's values would be taken to Washington D.C. while at the same time bringing power back to the states. Mr. Mix suggested that the people in Fayetteville know how to run Fayetteville better than people in Washington D.C. do. He stated he would be glad to meet with anyone and he invited everyone to visit his campaign office in downtown Newnan.

Frank Gardner: Mr. Gardner stated that at the last Board meeting there was a lengthy meeting about things that the Board took care of at this meeting. He asked all five Commissioners to talk to each other before coming to the meeting. He pointed out that emails were sent to two of the commissioners and not all five, and he asked for each Commissioner to look at each other and agree to forward information to everyone so that everyone can be on the same page. He reminded the Commissioners that over a year ago there was a debate about items being put on the Agenda fifteen minutes before the meeting, but now, things come up during the meeting, and he repeated his request that the Commissioners to communicate with each other before the meeting and to work out the details.

ADMINISTRATOR'S REPORTS:

Peachtree City Policy received CALEA Accreditation: County Administrator Steve Rapson acknowledged that Peachtree City's Police Department has been notified that they received the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation for the eighth year in a row. He stated that the police department has invited the Board to go to the presentation on February 18, 2016 at 7:00 p.m.

Appointment of two staff positions to the Transportation Committee: County Administrator Steve Rapson stated that the Board needed to appoint two staff positions on the Transportation Committee. Chairman Oddo asked Mr. Rapson for recommendations and Mr. Rapson recommended Public Works Director Phil Mallon and Director of Engineering and Building Carlos Christian to the positions.

Commissioner Rousseau moved to appoint Mr. Mallon and Mr. Christian to the Transportation Committee. Commissioner Ognio seconded the motion. The motion passed 5-0.

Appointment of two Commissioners to the Transportation Committee: County Administrator Steve Rapson stated that two elected officials needed to be appointed to the Transportation Committee. Commissioner Barlow suggested that the appointments should be the Chairman and Vice Chairman. Commissioner Rousseau agreed since the Transportation Committee was formed at Commissioner Ognio's recommendation and since Chairman Oddo is the Board's representative at the Atlanta Regional Commission.

Commissioner Barlow made a motion that the Board's representatives to the Transportation Committee be Chairman Charles Oddo and Vice Chairman Randy Ognio. Commissioner Rousseau seconded the motion. The motion passed 5-0.

ATTORNEY'S REPORTS:

Consideration of Pursuing Attorney's Fees: County Attorney Dennis Davenport reminded the Board that at the last meeting he brought a report to the Board as a follow-up to some litigation regarding the Fayette County Republican Party and Mrs. Marilyn Watts. He reminded the Board that he had mentioned that the attorney's fees for that litigation were approximately \$58,000.00

but that the actual number was \$57,712.74. He further reminded the Board that at the conclusion of the litigation there is a forty-five day window where the prevailing party can seek attorney's fees. He pointed out that just because the prevailing party seeks the attorney's fees, it does not mean they will actually get them, but he added that if the attorney's fees are not sought they definitely would not be awarded. Mr. Davenport added that if the prevailing party chooses to seek attorney's fees, it would also have to decide who to go after to get the attorney's fees. He reminded the Board that the deadline to file any motion for attorney's fees is Monday, February 15, 2016, and he asked for direction on how to proceed.

Commissioner Rousseau asked what the traditional route of the options is what was the precedent for seeking attorney's fees. Mr. Davenport stated that if the Board is looking at which of the three Plaintiffs, or a combination of the Plaintiffs, or all the Plaintiffs, and if the Board is using a litmus test to find a reason to exclude any of the three Plaintiffs, and since the attorney does not have to be brought in unless the Board wants to, then it could [make a decision.] He stated he did not have exposure to the litigation to know what happened other than the fact that the end result was in favor of Ms. Watts. Mr. Davenport stated that since the Board financed Ms. Watts' defense then it could seek attorney's fees. Commissioner Rousseau asked if the suit was brought by the party or by the individuals. Mr. Davenport replied that the suit was styled as coming both from the Republican Party and from Mr. Scott Fabricius both as its Chairman and individually. Commissioner Rousseau asked if Mr. Fabricius was acting in his capacity as Chairman for the lawsuit and Mr. Davenport replied that he was. Commissioner Rousseau replied that was the answer for him. Mr. Davenport replied that Mr. Richard Hobbs was the attorney representing the Plaintiffs. Mr. Davenport clarified that the Fayette County Republican Party, Mr. Scott Fabricius as both individually and as Chairman of the Republican Party, and Mr. Hobbs comprised the universe of potential people attorney's fees could be sought from, and he clarified that the fees could be sought from any combination of the people or all of them.

Commissioner Ognio stated that he understood that the fees could only be awarded if it was first determined that the lawsuit was frivolous. Mr. Davenport agreed and he stated a judge would have to determine if the lawsuit was frivolous. Commissioner Ognio asked how the process would work and if it would cost more money to get the determination from the judge. Mr. Davenport replied that it would require a legal motion and a brief involving several hours of legal work. He stated that the other side would make a response and once it has been provided to the judge then the judge can request some kind of oral argument before making a decision. Mr. Davenport stated it would be up to the judge to make the determination if it merits awarding attorney's fees and how much is awarded.

Commissioner Brown suggested it was not a frivolous lawsuit since the judge would not have moved the case forward to trial if it had been a frivolous lawsuit. He stated there were appeals made by Ms. Watts' attorney to have the trial ceased at the earliest possible moment. Mr. Davenport stated that Commissioner Brown's comments were the argument the other party's attorneys would make since that is the nature of the lawsuit. Commissioner Brown reiterated that any movement to quash the lawsuit was denied, but Mr. Davenport replied that Commissioner Brown was asking a question that he did not have an answer to. Mr. Davenport reiterated that the prevailing party can seek attorney's fees.

Commissioner Ognio stated that this effort would ask Ms. Watts and her attorney to go after the fees and to return the money to the citizens of Fayette County. Mr. Davenport agreed saying it would be Marilyn Watts filing the motion and making the argument and any dollars received on behalf of that would be forwarded to the county.

Commissioner Brown stated this was a dangerous argument and that it was referred to as a "slap suit." He stated that a slap suit is a strategic lawsuit against public participation, and he said when the government starts suing people for criticism or claims of unethical behavior then it permanently silences the public out of fear of retribution from a government that has "one whale of a budget." He said if the Board wants to scare the public into filing any complaints or claims this is the best way to do it. He stated it was a horrible precedent since it is oppressive and would send a message to the citizens of Fayette County that if someone complains against the government the government will get you back. Mr. Davenport replied that what was being considered was not a lawsuit, but Commissioner Brown disagreed with that statement.

Commissioner Rousseau stated that he could understand how someone could see this issue in the way that Commissioner Brown stated, but he disagreed with Commissioner Brown's understanding by stating this was a procedural matter. He explained that the County defended Ms. Watts in her capacity as the representative of the party doing a job on the county's behalf as a

member of the Board of Elections. Mr. Davenport replied that Commissioner Rousseau's understanding was a point of issue about three years ago because it was not an issue where there was an insurance company who would come in and defend. He said the county looked at the matter and made a determination that the allegations and petition were made against Ms. Watts arguable in her capacity of a member of the Board of Elections. He said the Board chose, based on the analysis, to provide the defense of Ms. Watts because, even though the insurance company could not provide the defense, the county chose to do so. He said the reason was because the county wanted everyone to understand that so long as someone was operating in their official capacity the county would stand behind them. Commissioner Rousseau stated that the Board voted to defend Ms. Watts and he was confused why the county would not do the same in this matter. He said he did not take this matter as the county coming back on someone but that that this issue is a part of the ongoing process. Mr. Davenport replied that Commissioner Rousseau had a pretty good handle on the situation. Commissioner Rousseau reiterated that the Board was given options on whether or not to defend Ms. Watts, it voted to defend her at a public meeting for acting in her official capacity as a member of the Board of Elections, the matter went to the court and she was vindicated, and now the Board needs to vote again to possibly recover the money it spent. Mr. Davenport stated that there was a caveat to the representation, namely, if she was found to have operated beyond the scope of her authority and if the court had ruled against her, she would have to reimburse the county for money spent in her defense.

Chairman Oddo stated that the Board has a duty to the taxpayers to guard their money, and in this case, the Board included in its original vote to defend Ms. Watts a clause to recoup the funds spent for the defense. He stated that this was a two-way street and that everyone went into the lawsuit with their eyes open. He stated that it was a fiduciary responsibility to the citizens to recoup the money that was used in the case. He understood it was a difficult situation but he did not see any way around the matter. Commissioner Brown replied that there was no vote to "go the other way" but there was only a vote that if she was found guilty then she would recoup the funds. He stated that the discussion was about a two-way street even though the original vote only included a one-way street where Ms. Watts would repay the county if she was found guilty. Commissioner Brown stated he was probably the strongest 1st Amendment advocate in Fayette County since he had gone to court against Peachtree City's attorney, utilizing his own funds, and won on 1st Amendment grounds. He stated that the chilling impact of having government come down on people and set an example that if you speak out and cite that there might be an ethical violation or something is improper or illegal, then the example is that the people are doing it at great peril to themselves. He stated that the Board needs to be careful when it creates a chilling effect on public speech.

Commissioner Rousseau said he understood those dynamics but insisted there is a process in place. Chairman Oddo stated that it would encourage people to sue if they knew the government would not or could not recoup the costs. He stated that there are attorneys who will go after governments if they have nothing to lose. He thought this case was one where the county should try to recoup the funds.

Commissioner Brown stated there was a reason the federal government created the whistle-blower law, namely, to protect people who would feel threatened for losing their federal job or being sued by the federal government, and he said the law was to protect free speech. He said government needs to go the extra mile in the protection of liberties in the defense of public speech. He said the government needs to extend every opportunity for the public to protest and complain and cite their grievances, and when the government turns that back into the other direction it is telling the public that it is in jeopardy of losing its income, home, and personal property because of the complaint. He said if people appreciate liberty and the rights guaranteed under the Bill of Rights, then the government needs to go the extra mile since the government is the 900-pound gorilla that will sit on anyone who objects to it.

Commissioner Rousseau stated that he respectfully disagreed with Commissioner Brown since the matter was not about an individual but about the Fayette County Republican Party. He said it was not an individual who started the lawsuit but rather an organization that initiated the lawsuit with individuals bearing claim to what they thought they saw. Mr. Davenport replied that the suit's style was a bit confusing since it said the Fayette County Republican Party and Scott Fabricius as its Chairman and individually. Commissioner Rousseau stated that the lawsuit came in three capacities: Chairman Fabricius, as the party itself, and individually. He granted Commissioner Brown's point at an individual level but he stated Mr. Fabricius sued as Chairman of

an organization that cost Fayette County money and that needed to be addressed. He did not see it as going after the individual where the impression of a 900-pound gorilla is attacking an individual. He reiterated that the Plaintiffs presented themselves as an entity.

Commissioner Brown stated that if a political entity brought the suit then it is political speech and he cautioned against going against any political entity that espouses a political point of view since that is just as dangerous as attacking the individual. Commissioner Rousseau stated he agreed with Commissioner Brown that the government needs to be careful not to crush individual or political speech, but he added that he saw this matter in another light. He quipped that it appeared there were some interesting things going on with the Fayette County Republican Party.

Commissioner Brown moved to consider not going forward in the name of protecting the citizen's ability and confidence in the government that they can cite grievances without the fear of retribution. The motion died for lack of a second.

Commissioner Rousseau moved that the County Attorney be instructed to seek compensation for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the motion.

Mr. Davenport asked if the motion was to seek the attorney's fees solely from the Republican Party. Commissioner Rousseau asked Mr. Davenport for his guidance on whom to seek the fees from without sending a message that the Board is attacking any one person. He said the Board spent money defending someone who was acting in their capacity of an authorized Board and he asked what was the fiduciary responsibility to the taxpayers to recover the money. He said he did not want to send the chilling message but that the chips have to fall where they fall sometimes.

Chairman Oddo suggested that the attorney's fees should be sought from all the Plaintiffs since all the Plaintiffs were named and since they acted as a group.

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion.

Commissioner Ognio stated that he kind of agreed with Commissioner Brown but the problem is that if it is determined that the lawsuit was frivolous then it is outside the box since it invites frivolous lawsuits from everyone if the county does not go after the funds. He said if the judge determines the lawsuit was not frivolous then it is what it is. Commissioner Ognio stated that it was a hard decision in the first place when the Board first became involved and this too was a hard decision. He agreed that people need to be very aware of what they accuse others of and they need to make sure they have all the facts. He said he would not try the case but in this matter the Board would have to go after recovery of the fees since it was the citizens' money.

Commissioner Brown stated that there was a motion made to dismiss the suit but that the motion was denied and the case was sent to trial. He said that told him that the case was not frivolous. Commissioner Ognio stated that if that was the case then the judge has to make that determination. Commissioner Rousseau agreed with Commissioner Ognio and he stated the Board was putting the case forward to a judge for a determination.

Commissioner Barlow stated that this was what some would call a conundrum because the county deserves to be reimbursed if in fact that is what the judge determines is the case. He said unless the county goes forward the judge is not going to get the opportunity. He said he did not know how he could explain to a citizen that the county did not care about the funds. He felt the county needed to go after recovering the attorney's fees.

Mr. Davenport said he wanted to make sure the motion accomplishes what is desired. He understood the motion was to seek attorney's fees from all Plaintiffs and he asked if the motion was specifically excluding the Plaintiffs' attorney. Mr. Davenport clarified that the attorney is not a Plaintiff but he represents the Plaintiffs.

Commissioner Rousseau asked what is the traditional way to pursue the attorney's fees. Mr. Davenport replied that every case that is tried is different meaning how to pursue attorney's fees have different possibilities.

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs, including the attorney, for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

Notice of Executive Session: County Attorney Dennis Davenport notified the Board of one personnel matter and review of the January 28, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio

Early Voting for the Presidential Primary: Commissioner Ognio stated that elections are going forward and early voting has begun for the presidential primary. He stated that the people need to think before they vote early since there is a chance the candidate they vote for may not be a candidate in the coming days.

Georgia House Bill 129- Fluoride: Commissioner Ognio stated that the Georgia General Assembly is in session and he encouraged everyone to keep up with the various bills being considered. He stated that Fayette County's fluoride bill, House Bill 129, is still in committee and cannot get out of committee. He asked the people to call their representatives and ask them to get the bill out of committee. He said if it does not get out of committee during this session then the bill will die since it is in the second year of a two-year cycle. He encouraged everyone to get involved and make a difference in state government.

Commissioner Rousseau

Ms. Anderson's Birthday: Commissioner Rousseau celebrated Ms. Anderson who recently celebrated her 95th birthday. He said Ms. Anderson has been in Fayette County for a lifetime and he asked everyone to join him in recognizing her birthday.

Passing Away of Mr. Ed Lee: Commissioner Rousseau added that the Fayette community had lost an individual recently referring to Mr. Ed Lee who was married to Joselyn Lee. He stated that Mr. Lee passed away recently but that he had had the pleasure of meeting them. He sent his well wishes and prayers to the Lee family.

Thanks to Citizens for Coming to the Meeting: Commissioner Rousseau thanked the residents for sharing their concerns and candor. He pointed out that people will stop him and share issues that are important to them.

Attorney's Fees: Commissioner Rousseau reiterated that the Board had a fiduciary responsibility to at least try to recover attorney's fees. He said every penny counts in these times and there this is a principled issue for him, not a personal issue. He said his demeanor is about the business of the county. He thanked his colleagues and he appreciated their warm welcome.

Commissioner Barlow

Comments on Lawsuit and Thanks to Ms. Watts for Her Service: Commissioner Barlow thanked the people for coming to the meeting. He thanked Ms. Caldwell for coming to the meeting. He stated that he did not realize that the letter went to only two Commissioners or he would have distributed the letter to the other Commissioners. He thanked Ms. Watts for her years of service on the Board of Elections. He recalled that there was genuine contentiousness in the lawsuit and he thought she was rightly "set free" since it was a terrible situation. He preferred that Ms. Watts would have stayed on the Board of Election due to her knowledge. He pointed out that Mr. Aaron Wright was in the audience shaking his head, and he speculated that Mr. Wright must be assuming he would get Ms. Watts' eighteen years of knowledge overnight. Commissioner Barlow stated this was a precarious election cycle and he thought it was important to have as much leadership as possible on the Board. He thanked Ms.

Watts for making a Herculean effort to do what was right, and he said there had not been a complaint on the processes or procedures of the Board of Elections. He recalled that last year Ms. Watts was credited for her comments and that she was correct in what she had said. He said he would take the heat for supporting Ms. Watts and he closed by once again thanking her for her work.

Percentage of Fayette County Citizens Carrying Concealed Weapons: Commissioner Barlow stated that he read that 18% of Fayette County's citizens have a concealed carry permit, that he was a part of that 18%, and he thought one out of six carrying was good. He suggested that there needed to be more and get the numbers up to twenty percent.

Commissioner Brown

House Bill 370 "Gag Act" and "Incumbent Protection Act": Commissioner Brown asked the people to pay close attention to House Bill 370, which is being sponsored by a local legislator, and he said the bill is referred to as the "Gag Act" and the "Incumbent Protection Act." He said it is a bill that will require local groups, which are loosely defined encompassing local environmental groups, a mom's groups, school groups, homeowners associations, or other groups, if the group wants to cite how a legislator is voting, to file as a lobbyist. He stated that the bill is an absolute travesty and is trying to force groups, through the intimidation of the government, when they speak out and disseminate information, to be assessed state charges if the group did not file as a lobbyist. He said it sets a very dangerous precedent and local legislators should not be ashamed of how they vote. He said legislators should never be shielded from how they voted, especially six months prior to an election, which is what is required in the legislation. He asked everyone to call their state representatives and senators and urge them to bring House Bill 370 to a very quick death.

Comments on Pete Nelm's Service to Fayette County: Commissioner Brown thanked Mr. Pete Nelms for his work and he said most people do not know how much work he has done behind the scenes. He stated that many of the funds Mr. Nelms raises through the grant process goes to the local municipalities. He said that Mr. Nelms would leave huge shoes to fill.

Marilyn Watts Appointment: Commissioner Brown stated that the whole issue Mrs. Watts' son appointing her to the position was that the point that he raised was he asked if Vice-Chairman Paul Ploenner would make the appointment. He thought the appearance of impropriety was reason enough for concern. He stated that Vice-Chairman Ploenner did not do it. He stated that he never stated Ms. Watts chaired a fundraiser but rather that she helped organize the fundraiser. He said he and two other people called Newt Gingrich's office and each one was told of Ms. Watts's involvement. Commissioner Brown stated that if a motion is made to quash a lawsuit and it is dismissed then it is unlikely that it is a frivolous lawsuit.

Marilyn Watts Reply: Ms. Watts stated that the very issue that was in court for three years was filed as a complaint. She stated that the only complaint Fayette County has ever had at the State Election Board was filed by Mr. Hobbs and Mr. Fabricius. She stated that the State Election Board, two years ago, unanimously stated that Ms. Watts had done nothing wrong and called the complaint frivolous. She stated that Mr. Hobbs and Mr. Fabricius persisted and went on with the court case and were undeterred, resulting in a financial cost to the taxpayers. She said the State Elections Board has full knowledge about what is and is not acceptable and that Board immediately dismissed the case and called it frivolous. She said she was so convinced of her case that she was willing to pay the \$58,000.00 if she lost even though she did not lose the case.

Chairman Oddo: Chairman Oddo stated that if the Board is going to direct comments to the public then the public should have the right to answer the complaints. Commissioner Brown disagreed stating that the matter was on the Agenda and voted on so it was not a comment about a random citizens. Chairman Oddo replied that the matter had been voted on and settled.

Commissioner Ognio

Future Daughter-in Law: Commissioner Ognio stated his family is growing since his son proposed to his girlfriend and she said "yes." He said he has a future daughter-in-law and he congratulated his son, Rocky, and his finance, Jody. The Board offered their congratulations.

Chairman Oddo

Happy Valentine's Day: Chairman Oddo wished everyone a Happy Valentine's Day.

Making Decisions on Behalf of Fayette County: Chairman Oddo hoped one lesson that everyone would take away from the meeting is that being on the Board is not easy since it requires making difficult decisions. He believed everyone was passionate about their positions and that the Board was doing its best to make the best decisions. He said there have been some trying times and everyone has made their decisions. He said the decisions were not personal but that the decisions were made in the best interest of Fayette County.

Remembering Riverdale Police Officer Killed in the Line of Duty: Chairman Oddo stated that it is a shame what is going on in the county and that a local policeman in Riverdale lost his life in the line of duty earlier in the day. He asked everyone to pray for the family and the county.

Running for Reelection: Chairman Oddo announced that he has decided to run for reelection and that his name would be on the ballot.

EXECUTIVE SESSION:

Personnel and Review of the January 28, 2016 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:13 p.m. and returned to Official Session at 9:44 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to be authorized to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0. The Executive Session Affidavit, identified as "Attachment 7," follows these minutes and is made an official part hereof.

Approval of the January 28, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the January 28, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

Approval of the County Administrator Employment Agreement: Commissioner Ognio stated that that the Board had on the dais the County Administrator's Employment Agreement for Board approval. He stated that the extension would be for three years and ten months from February 12, 2016 until December 31, 2019. He stated that in Section 3(a) the salary would reflect his current salary. Commissioner Ognio stated that the second sentence in Section 3(b) would be eliminated in its entirety. He stated that Section 4(c) would be eliminated. Commissioner Ognio stated that Section 5(a) would provide for 27 personal days. He stated that Section 6 would include that the regular replacement of said vehicle would be done per the county's vehicle replacement policy. He stated that Section 13(b) would be eliminated in its entirety. He noted that the Administrator's new address was included in the contract.

Commissioner Ognio moved to approve the County Administrator Employment Agreement extension. Commissioner Rousseau seconded the motion. The motion passed 5-0. A copy of the agreement, identified as "Attachment 8," follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner Brown moved to adjourn the February 11, 2016 Board of Commissioners meeting. Commissioners Barlow and Rousseau seconded the motion. The motion passed 5-0.

The February 11, 2016 Board of Commissioners meeting was adjourned at 9:47 p.m.

Floyd L. Jones, County Clerk

Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of February 2016. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of adoption of the Fayette County Ethics Ordinance 2016-04.

Background/History/Details:

During the January 28, 2016 Board of Commissioners meeting the Commissioners held a lengthy discussion regarding issues with the proposed Ethics Ordinance.

The instructions from the Commissioners was to have the County Attorney to present the Ethics Ordinance at the February 25 meeting with two opposing paragraphs.

The ordinances represent two options for the Board of Commissioners to consider when deciding who will hear complaints against County Officials violating the Ethics Ordinance. The Ethics Ordinances options are presented as Exhibit "A" and Exhibit "B" accordantly.

The first option (Exhibit "A") contemplates that all violations will be heard by a panel of two (2) county attorneys.

The second option (Exhibit "B") has the BOC hearing complaints for all except BOC members.

What action are you seeking from the Board of Commissioners?

Adoption of the Fayette County Ethics Ordinance 2016-04.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

EXHIBIT "A"

COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NO.

2016-__

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REWRITE THE CODE OF ETHICS FOR FAYETTE COUNTY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY GEORGIA BE DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY, GEORGIA TO READ AS FOLLOWS:

SECTION 1. By deleting Sections 2-200 through 2-208 which comprise the Code of Ethics in their entirety and by enacting the following Code of Ethics to be numbered and to read as follows:

Sec. 2-200. Purpose.

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in conduct by Fayette County officials (“County Officials”);

(b) Establish guidelines for ethical standards of conduct for all County Officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the "County");

(c) Maintain public trust through transparency by requiring disclosure by County Officials of private financial or other interests in matters affecting the County or in matters that affect their ability to act in the best interests of the County; and

(d) Serve as a basis for disciplining those who do not comply with its terms.

Sec. 2-201. Scope.

The provisions of this Code of Ethics shall be applicable to all County Officials. Further, the County Purchasing Director shall develop procedures for individuals, corporations and other entities seeking to do business with the County to disclose financial, familial or other relationships with any person who comes within the scope of this Code of Ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the "Board of Commissioners") or, if Board of Commissioners approval is not required, prior to execution of a contract in excess of \$10,000. The obligation for an individual, corporation or other entity seeking to do business with the County to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a County Official or other person covered by this Code of Ethics to renew, extend or otherwise modify a contract after award.

Sec. 2-202. Definitions.

The following words and phrases as used in this Code of Ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

(a) *County* means Fayette County, Georgia.

(b) *County Administrator* means the individual who serves as County Administrator of Fayette County.

(c) *County official* includes County employees, members of the Board of Commissioners, the County Administrator, the County Clerk and the County Attorney. County Official also includes all individuals appointed by the County Administrator and the Board of Commissioners to County authorities, commissions, committees, boards, task forces, or other bodies.

(d) *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

(e) *Ethics*: the discipline dealing with what is good and bad and with moral duty and obligation – Merriam Webster

(f) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any County Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(g) *Person* means an individual, a business entity, or other similar type organization.

Sec. 2-203. Prohibitions.

(a) No County Official shall use or secure confidential information for any purpose other than his/her official duties.

(b) No County Official may participate or vote on any matter before the Board of Commissioners or other County body where such County Official has a substantial interest in the

outcome of such matter. For purposes of this Code of Ethics, a substantial interest is found where the County Official receives a pecuniary interest due to the outcome of the vote.

(c) No County Official shall act as an agent or attorney for another in any matter before the Board of Commissioners or other County body.

(d) No County Official shall enter into any contract with the County except as authorized by state law.

(e) No County Official shall solicit or accept other employment to be performed, or compensation to be received, while still a County Official if the employment or compensation could reasonably be expected to impair such County Official's judgment or performance of County duties.

(f) No County Official shall disseminate confidential information to someone other than another County Official, unless otherwise authorized by law.

(g) No County Official shall solicit or accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the County Official's duties.

Sec. 2-204. Conflict of Interest.

(a) No County Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the County Official has a substantial interest.

(b) A County Official who has a relationship with any entity which receives funding from the County shall disclose such relationship prior to participating in any action for such funding.

(c) A County Official shall never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

(d) No County Official shall engage in any business with the County, or allow any member of his/her immediate family to engage in any business with the County which is inconsistent with the conscientious performance of his/her governmental duties.

(e) Notwithstanding anything contained herein to the contrary, a County Official shall disclose, prior to discussing or taking any action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions within the current election cycle valued at \$250.00 or more by a County Official, or member of his/her immediate family, will prohibit the County Official from participating or taking action on any matter involving the donor.

Deleted: \$500.00

Sec. 2-205. Enforcement and administration.

(a) All allegations of violations of the Code of Ethics must be filed with the County Clerk, in writing, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the Code of Ethics within such 45-day period. In such case, a complainant must file an Ethics Complaint with the County Clerk no later than 45 days after the complainant discovered the alleged violation.

(b) In no event shall an Ethics Complaint be filed with the County Clerk more than six (6) months from the date of the alleged violation of the Code of Ethics.

(c) The complainant may withdraw the Ethics Complaint at any time in writing.

(d) Within 30 days of receipt of an Ethics Complaint the Board of Commissioners will review the Ethics Complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against County Officials who are employees may be referred through the proper channels consistent with the Employee Handbook's disciplinary procedures. If a majority of the full Board of Commissioners shall make the determination of whether or not a review board should be impaneled.

(e) If a complaint is received by the Clerk which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, a determination of sufficiency of the complaint will not be forwarded to the Board of Commissioners. The County Attorney of any county within the Griffin Judicial Circuit, or any circuit abutting the Griffin Judicial Circuit, other than the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impaneled.

(f) If a review board is needed, three (3) county attorneys within reasonably close geographic proximity of the County will be requested to conduct a public hearing based upon the complaint. A majority vote based upon clear and convincing evidence will determine the existence of the violation or lack thereof. A written decision shall be issued within 30 days of the conclusion of the public hearing. County Officials are subject to the following penalties and action for violations of the Code of Ethics:

- (1) Written reprimand or public censure;
- (2) Recovery of value transferred from or received by the County;
- (3) Cancellation of the contract or rejection of the bid or offer;

Deleted: (e)

Deleted: Within 30 days of the determination to go forward with a public hearing, the Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the County Official violated the Code of Ethics.

Deleted: by the Board of Commissioners

(4) A monetary fine not to exceed \$1,000.00; and

(5) Demotion or termination.

(g) Any County Official adversely affected by any final decision of the Board of Ethics may appeal as provided in this subsection.

(h) An appeal by certiorari may be commenced in the Superior Court of Fayette County within 30 days after the decision of the Board of Ethics becomes final.

Secs. 2-206—2-220. - Reserved.

SECTION 2. This ordinance shall become effective immediately upon its adoption by the Fayette County Board of Commissioners.

SECTION 3. All other ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

SECTION 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Deleted: (f) If a complaint is received by the Clerk which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, an independent review board will be formed if the complaint alleges sufficient facts which, if proven to be true, would be a violation of the Code of Ethics. The County Attorney of any county within the Griffin Judicial Circuit, except the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impaneled. If a review board is needed, three (3) County Attorneys within reasonably close geographic proximity to the County will be requested to conduct a public hearing based upon the complaint. A majority vote, based on clear and convincing evidence, will determine the existence of a violation. A written decision shall issue within 30 days of the conclusion of the public hearing.

SO ORDAINED this ____ day of _____, 2016.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
CHARLES W. ODDO

ATTEST:

Floyd L. Jones, County Clerk

Approved as to form:

County Attorney

DRAFT

EXHIBIT "B"

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2016-__

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REWRITE THE CODE OF ETHICS FOR FAYETTE COUNTY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY GEORGIA BE DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY, GEORGIA TO READ AS FOLLOWS:

SECTION 1. By deleting Sections 2-200 through 2-208 which comprise the Code of Ethics in their entirety and by enacting the following Code of Ethics to be numbered and to read as follows:

Sec. 2-200. Purpose.

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in conduct by Fayette County officials ("County Officials");

(b) Establish guidelines for ethical standards of conduct for all County Officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the "County");

(c) Maintain public trust through transparency by requiring disclosure by County Officials of private financial or other interests in matters affecting the County or in matters that affect their ability to act in the best interests of the County; and

(d) Serve as a basis for disciplining those who do not comply with its terms.

Sec. 2-201. Scope.

The provisions of this Code of Ethics shall be applicable to all County Officials. Further, the County Purchasing Director shall develop procedures for individuals, corporations and other entities seeking to do business with the County to disclose financial, familial or other relationships with any person who comes within the scope of this Code of Ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the "Board of Commissioners") or, if Board of Commissioners approval is not required, prior to execution of a contract in excess of \$10,000. The obligation for an individual, corporation or other entity seeking to do business with the County to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a County Official or other person covered by this Code of Ethics to renew, extend or otherwise modify a contract after award.

Sec. 2-202. Definitions.

The following words and phrases as used in this Code of Ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

(a) *County* means Fayette County, Georgia.

(b) *County Administrator* means the individual who serves as County Administrator of Fayette County.

(c) *County official* includes County employees, members of the Board of Commissioners, the County Administrator, the County Clerk and the County Attorney. County Official also includes all individuals appointed by the County Administrator and the Board of Commissioners to County authorities, commissions, committees, boards, task forces, or other bodies.

(d) *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. “Gift” also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.

(e) *Ethics*: the discipline dealing with what is good and bad and with moral duty and obligation – Merriam Webster

(f) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any County Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(g) *Person* means an individual, a business entity, or other similar type organization.

Sec. 2-203. Prohibitions.

(a) No County Official shall use or secure confidential information for any purpose other than his/her official duties.

(b) No County Official may participate or vote on any matter before the Board of Commissioners or other County body where such County Official has a substantial interest in the

outcome of such matter. For purposes of this Code of Ethics, a substantial interest is found where the County Official receives a pecuniary interest due to the outcome of the vote.

(c) No County Official shall act as an agent or attorney for another in any matter before the Board of Commissioners or other County body.

(d) No County Official shall enter into any contract with the County except as authorized by state law.

(e) No County Official shall solicit or accept other employment to be performed, or compensation to be received, while still a County Official if the employment or compensation could reasonably be expected to impair such County Official's judgment or performance of County duties.

(f) No County Official shall disseminate confidential information to someone other than another County Official, unless otherwise authorized by law.

(g) No County Official shall solicit or accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the County Official's duties.

Sec. 2-204. Conflict of Interest.

(a) No County Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the County Official has a substantial interest.

(b) A County Official who has a relationship with any entity which receives funding from the County shall disclose such relationship prior to participating in any action for such funding.

(c) A County Official shall never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

(d) No County Official shall engage in any business with the County, or allow any member of his/her immediate family to engage in any business with the County which is inconsistent with the conscientious performance of his/her governmental duties.

(e) Notwithstanding anything contained herein to the contrary, a County Official shall disclose, prior to discussing or taking any action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions [in the current election cycle](#) valued at [\\$250.00](#) or more by a County Official, or member of his/her immediate family, will prohibit the County Official from participating or taking action on any matter involving the donor.

Deleted: \$500.00

Sec. 2-205. Enforcement and administration.

(a) All allegations of violations of the Code of Ethics must be filed with the County Clerk, in writing, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the Code of Ethics within such 45-day period. In such case, a complainant must file an Ethics Complaint with the County Clerk no later than 45 days after the complainant discovered the alleged violation.

(b) In no event shall an Ethics Complaint be filed with the County Clerk more than six (6) months from the date of the alleged violation of the Code of Ethics.

(c) The complainant may withdraw the Ethics Complaint at any time in writing.

(d) Within 30 days of receipt of an Ethics Complaint the Board of Commissioners will review the Ethics Complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against County Officials who are employees may be referred through the proper channels consistent with the Employee Handbook's disciplinary procedures.

(e) Within 30 days of the determination to go forward with a public hearing, the Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the County Official violated the Code of Ethics. A written decision shall be issued by the Board of Commissioners within 30 days of the conclusion of the public hearing. County Officials are subject to the following penalties and action for violations of the Code of Ethics:

- (1) Written reprimand or public censure;
- (2) Recovery of value transferred from or received by the County;
- (3) Cancellation of the contract or rejection of the bid or offer;
- (4) A monetary fine not to exceed \$1,000.00; and
- (5) Demotion or termination.

(f) If a complaint is received by the Clerk which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, an independent review board will be formed if the complaint alleges sufficient facts which, if proven to be true, would be a violation of the Code of Ethics. The County Attorney of any county within the Griffin Judicial Circuit, [or any circuit abutting the Griffin Judicial Circuit](#), except the County Attorney for Fayette County, shall

make the determination of whether or not a review board should be impaneled. If a review board is needed, three (3) County Attorneys within reasonably close geographic proximity to the County will be requested to conduct a public hearing based upon the complaint. A majority vote, based on clear and convincing evidence, will determine the existence of a violation. A written decision shall issue within 30 days of the conclusion of the public hearing.

(g) Any County Official adversely affected by any final decision of the Board of Ethics may appeal as provided in this subsection.

(h) An appeal by certiorari may be commenced in the Superior Court of Fayette County within 30 days after the decision of the Board of Ethics becomes final.

Secs. 2-206—2-220. - Reserved.

SECTION 2. This ordinance shall become effective immediately upon its adoption by the Fayette County Board of Commissioners.

SECTION 3. All other ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

SECTION 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof.

The Board of Commissioners hereby declares that it would have passed

the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ORDAINED this ____ day of _____, 2016.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
CHARLES W. ODDO

ATTEST:

Floyd L. Jones, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Old Business #7 Page 42

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the adoption of the Generic Liability Agreement to be used for the Public Arts Committee's Human Resource Photo Wall project.

Background/History/Details:

The Fayette County Public Art Committee (PAC) offers opportunities and support to citizens, emerging student, amateur and professional artists, arts education resources, and public beautification arts projects.

On August 31, 2015, utilizing the local newspaper and the county's art web page, the PAC released a call for professional and amateur photographers "to participate in a unique photo mural project at the Fayette County Administration Building." A total of nineteen (19) photographers answered the call.

The project, entitled "County Government Works," will be a photographic representation of county efforts from all departments. Photographers will be assigned a department of the county government and asked to photograph employees at work.

After a lengthy discussion, a vote was passed at the November 12, 2015 Board of Commissioners meeting to bring a generic liability agreement back to the Board for consideration for this project.

The agreement would be between Fayette County and the volunteer photographer for this project.

What action are you seeking from the Board of Commissioners?

Adoption of the Generic Liability Agreement to be used for the Public Arts Committee's Human Resource Photo Wall project.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

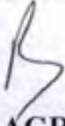
Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

MEMORANDUM

TO: BOARD OF COMMISSIONERS
FROM: COUNTY ATTORNEY 
RE: GENERIC LIABILITY AGREEMENT AND HR PHOTO WALL PROJECT
DATE: FEBRUARY 10, 2016

Attached to this memorandum please find a draft of a generic liability agreement that can be used for non-employees of the County that are performing services for the County. The primary purpose of this agreement is to protect the County from any liability for any claims the non-employee may have as a result of providing services to the County and to protect the County from any liability for any claims brought by any other individual due to any act or omission of the non-employee. In addition, the agreement anticipates that an Exhibit "A" will be attached. Said Exhibit "A" should describe the services to be provided by the non-employee and should indicate whether or not the non-employee will receive any compensation. Exhibit "A" should also contain any additional terms that will apply to the agreement.

Please note that this agreement is very generic and cannot be effective unless an Exhibit "A" is attached. Said Exhibit "A" will in many cases need to be very detailed to effectively lay out the scope of the services to be provided by the non-employee. Each potential use of this Agreement will be unique and will probably require multiple additional terms.

As an example of how important it is that Exhibit "A" be carefully tailored to each situation, this memorandum will now discuss the issues raised by the proposed HR photo wall project. The types of services contemplated by such a project raise very specialized issues that would have to be addressed in Exhibit "A". These issues include:

- Who will own the rights to the photographs to be taken? The photographers? The County? The employees whose photos are taken?
- Will the permission of the employees be required prior to taking or using their photographs? How will this permission be obtained? Will it be the responsibility of the County or the photographer to obtain permission? Can or should the County require its employees to participate?
- What areas of County-owned property will the photographer be granted access to?
- If the rights to the photographs are retained by the County, will the photographers be able to use them in any way?
- Will the photographers be compensated?

- What will happen to photographs used in the project once an employee separates from the County? Will they remain part of the project or will they be removed?

In addition to the above, also please note that O.C.G.A. § 13-10-91 requires contractors entering into contracts with the County to participate in a federal work authorization program if the services they provide satisfy the definition of “physical performance of services” contained in O.C.G.A. § 13-10-90. Said term means “any performance of labor or services for a public employer using a bidding process or by contract wherein the labor or services exceed \$2,499.99”. An exception exists for contracts with individuals licensed by Title 26 or Title 43 or by the State Bar of Georgia. Therefore, if the County desires to use this agreement for contractors that will be compensated more than \$2,499.99, it will have to include an addendum describing the contractor’s obligations under O.C.G.A. § 13-10-91.

AGREEMENT

This Agreement made and entered into this _____ day of _____, 20___, by and between FAYETTE COUNTY, GEORGIA (the "County") and _____ (the "Contractor").

WHEREAS, the County desires to engage Contractor to provide certain services and Contractor desires to provide said services to County; and

WHEREAS, said services are described in Exhibit "A", which is attached hereto and made a part hereof by this reference (hereinafter the "Services").

WITNESSETH

In consideration of the covenants and agreements herein mentioned and for good and other valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1.

Contractor agrees to provide the services described in Exhibit "A" to the County. The County agrees to engage Contractor to provide said services.

2.

The County shall permit Contractor to access County-owned property to the extent necessary to provide the Services. The extent of said access shall be as described in Exhibit "A".

3.

Unless otherwise provided for in Exhibit "A", Contractor shall not be compensated for the provision of the Services to the County.

4.

The County may terminate this Agreement at any time and for any reason.

5.

Contractor is an independent contractor and shall at no time be considered an employee of the County. The terms “engage” or “provide”, as used in this Agreement, are not in any way intended by either party to connote an employer-employee relationship between the County and Contractor.

6.

Contractor hereby assumes all risk and dangers and all responsibility for any losses or damages occurring during the provision of the Services to the County pursuant to the terms of this Agreement, whether caused in whole or in part by the negligence or other conduct of the County or its agents, officers, or employees, or by any other person. Further, Contractor, on behalf of himself or herself, his or her personal representatives and his or her heirs, hereby voluntarily agrees to release, waive, discharge, hold harmless, defend and indemnify the County and its agents, officers and employees from any and all claims, actions or losses for bodily injury, property damages, wrongful death, loss of services or otherwise which may arise during the provision of the Services to the County pursuant to the terms of this Agreement. Contractor specifically understands that he or she is releasing, discharging and waiving any claims or actions that he or she may have presently or in the future for the negligent acts or other conduct by the agents, officers or employees of the County.

10.

Contractor shall indemnify, hold harmless and defend the County from and against any and all liabilities, suits, actions, legal proceedings, claims, demands, damages, costs and expenses (including attorney’s fees) rising out of any act or omission of the Contractor in the performance of the Services under this Agreement.

11.

In addition to the terms contained herein, this Agreement shall also be subject to any additional terms contained in Exhibit “A”. To the extent there is any disagreement between the terms of this

Agreement and the terms of Exhibit "A", the terms of Exhibit "A" shall control.

12.

This Agreement shall be governed in all respects by the laws of the State of Georgia.

IN WITNESS WHEREOF, all parties hereto have executed this Agreement by and through their respective authorized officers or officials, and have caused their respective seals to be hereunto affixed, upon the day and year first above written.

FAYETTE COUNTY, GEORGIA

ATTEST:

Charles W. Oddo,
Chairman

CONTRACTOR

COUNTY AGENDA REQUEST **New Business #8** Page 48

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Lisa Mahaffey to the Fayette County Recreation Commission to fulfill an unexpired term beginning immediately and expiring May 31, 2018.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

On December 9, 2015, Fayette County advertised for one upcoming vacancy on the Recreation Commission. Seven citizens applied for the position. Commissioners David Barlow and Commissioner Charles Rousseau were appointed to the Selection Committee to review the applications and they interviewed both candidates. The Selection Committee recommended the appointment of Ms. Lisa Mahaffey to Fayette County's Recreation Commission.

This appointment is to replace Briana MacDowell who was removed by Recreation Commission Chairman Charles McCollum for lack of attendance. Section four (4) of the Recreation Commission bylaws state: "The absence of three (3) consecutive meetings of any member of the Board without due and acceptable excuse, shall constitute a vacancy on the Board."

What action are you seeking from the Board of Commissioners?

Approval of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Lisa Mahaffey to the Fayette County Recreation Commission to fulfill an unexpired term beginning immediately and expiring May 31, 2018.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 6:30 p.m.

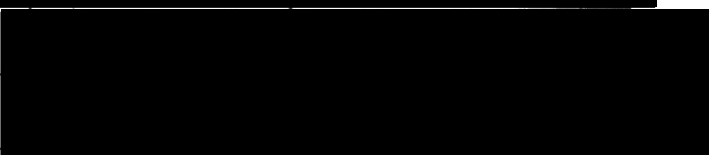
Please take a few minutes to complete the form and answer the questions below and return it with a resume, if available, to Floyd Jones, County Clerk, 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, January 15, 2016.

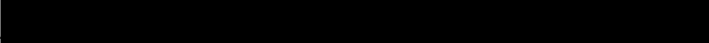
If you have any questions, please call (770) 305-5102.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

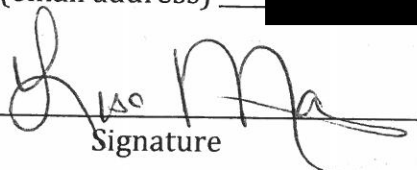
NAME Lisa Mahaffey

ADDRESS 

TELEPHONE (day) 

(evening) 

(email address) 


Signature

12/17/15
Date

1.How long have you been a resident of Fayette County?

13 years

2.Why are you interested in serving on the Fayette County Recreation Commission?

I am passionate about my community and making it a great place for families to live. I am a health conscious person, and I feel fitness and wellness are important to a healthy lifestyle. My children have participated in youth sports which I feel is a wonderful opportunity for them to learn life long skills and to stay healthy. I also am interested in making sure families have a way to stay healthy together by walking on trails, playing tennis, or kicking a ball together in a park.

3.What qualifications and experience do you possess for appointment to the Recreation Commission?

I am highly organized, dependable, and committed to whatever I am involved in. The values I have been raised with have taught me to always be where I say I am going to be when I say I am going to be there. I feel meeting attendance, punctuality, and carrying out the duties given me are of utmost importance.

My past work experience and community involvement in leadership roles (see resume attached) show that I have the qualities for a member on the commission.

4.List your recent employment experiences to include name of company and position.

Mahaffey Orthodontics – Benefits Coordinator and Payroll Specialist

5.Do you have any past experience relating to the Recreation Commission? If so, please describe.

No.

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

No.

7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?

No.

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes.

9. What is your vision of the county's future related to the duties of the Recreation Commission?

My vision would be that Fayette continues to make family health and wellness a priority by providing quality programs and places for everyone to enjoy the great outdoors. I would love to see more walking trails and open spaces for families to play together, and for youth sports to continue to be an outlet for children to get away from sitting on the couch playing video games or other non-desirable activities.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?

No.

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

No.

12. Describe your current community involvement.

I volunteer at my children's school, Landmark Christian School in whatever capacity I am needed from substitute teaching to grading papers to general office work.

For the past 7 years I have been serving as a volunteer at Southside Church leading worship for elementary age children.

I have a personal ministry with troubled teens in our community who have been incarcerated. I mentor them while in jail and help them assimilate back into life once released.

For 6 years, I have led a grief support group at Peachtree City United Methodist Church helping those who have lost a loved one (I'm currently on hiatus).

I recently completed the 12 week Fayette County Sheriff Citizen's Police Academy.

I am the President of my subdivision HOA, and I am chairman of the Neighborhood Watch.

I volunteer at the Midwest Food Bank in PTC.

13. Have you been provided a copy of the county's Ethics Ordinance?

Yes.

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

No.

Lisa Mahaffey

Professional Experience

MAHAFFEY ORTHODONTICS – Peachtree City, GA **May 2000-Present**
Benefits Administrator/Payroll Specialist/Office Mngr

- Manage payroll and benefits, including 401K administration, for 20 people.
- Assist in employment screening and hiring.

ASSURANT GROUP – Miami, FL **1994-2000**
Direct Response Operations Programmer

- Managed the IT system for Direct Response Operations Department.
- Monitored data and output for insurance application decisions.
- Conducted quality control tests to ensure functionality.

BARNETT BANK – Miami, FL **1987-1994**
Branch Manager

- Managed day to day operations of medium sized bank branch.
- Responsible for \$10M lending portfolio.
- Coordinated marketing campaigns for branch growth goals.

Community Involvement

Grief Share Grief Support Group – Peachtree City United Methodist Church

- Facilitated 14-week support group meetings for 6 years.

Community Bible Study – Providence United Methodist Church

- Led weekly Bible study for homeschooled teens.

Drama Team – Peachtree City United Methodist Church

- Volunteered on a drama team for Kidstuf, an elementary-aged ministry for 6 years.

Worship Leader – Southside Church

- Volunteer monthly as a worship leader for elementary aged students.

Fayette County Sheriff Citizen's Police Academy

- Participated in a 12-week course to better support our law enforcement.

Landmark Christian School – Peachtree City, GA and Fairburn, GA

- Parent Volunteer/ PTO member

Midwest Food Bank – Peachtree City, GA

- Volunteer as a sorter of the donations received.

President of Platinum Ridge Subdivision HOA

- Coordinate all aspects of HOA and head up the neighborhood watch.

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the adoption of Ordinance 2016-05 to enact the State Board of Health regulations promulgated by the State Department of Health for tourist accommodations, food service and portable sanitation contractors.

Background/History/Details:

Ordinance 2016-05 proposes that the Board of Commissioners would adopt three chapters of the State Board of Health regulations as County ordinances.

This item has been requested by the County's Board of Health. The County adopted the regulations for tourist accommodations in 2014 (Exhibit "A"). The regulations for tourist accommodations are being readopted so that the County has the most recent version of the regulations for tourist accommodations in its Code. The regulations for food service are being adopted by ordinance for the first time (Exhibit "B"). The regulations for Portable Sanitation Contractors are also being adopted for the first time (Exhibit "C").

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2016-05 to enact the State Board of Health regulations promulgated by the State Department of Health for tourist accommodations, food service and portable sanitation contractors.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2016-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ENACT REGULATIONS PROMULGATED BY THE STATE DEPARTMENT OF HEALTH FOR TOURIST ACCOMMODATIONS; TO ENACT REGULATIONS PROMULGATED BY THE STATE DEPARTMENT OF HEALTH FOR FOOD SERVICE; TO ENACT REGULATIONS PROMULGATED BY THE STATE DEPARTMENT OF HEALTH FOR PORTABLE SANITATION CONTRACTORS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Fayette County, Georgia (the “County”) is the duly elected governing authority of the County; and

WHEREAS, the Georgia Department of Public Health has established rules for the protection of public health, including rules for tourist accommodations, rules for food service, and rules for portable sanitation contractors; and

WHEREAS, the Fayette County Department of Health is responsible for enforcing said rules within the County; and

WHEREAS, to assist the Fayette County Department of Health in enforcing said rules, the Board of Commissioners desires to adopt said rules established by the Georgia Department of Health as part of its Code of Ordinances; and

WHEREAS, said rules are attached hereto as follows:

- (a) Rules for Tourist Accommodations are attached hereto as Exhibit “A” and made a part hereof by this reference;
- (b) Rules for Food Service are attached hereto as Exhibit “B” and made a part hereof by this reference; and
- (c) Rules for Portable Sanitation Contractors are attached hereto as Exhibit “C” and made a part hereof by this reference.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO HEALTH (CHAPTER 14), BE AMENDED AS FOLLOWS:

Section 1. By deleting Section 14-1, pertaining to “Adoption of State health codes”, from Article I of Chapter 14, and by creating a new Section 14-1 in Article I of Chapter 14, to be numbered and read as follows:

Sec. 14-1. Adoption of State health codes.

The following health codes established and promulgated by the Georgia Department of Public Health are hereby adopted by the Fayette County Board of Commissioners as part of this Code of Ordinances:

- (a) The Rules and Regulations for Tourist Accommodations, Chapter 511-6-2 of the Rules of the Georgia Department of Public Health, as it existed on February 28, 2016.
- (b) The Rules and Regulations for Food Service, Chapter 511-6-1 of the Rules of the Georgia Department of Public Health, as it existed on February 28, 2016.

(c) The Rules and Regulations for Portable Sanitation Contractors, Chapter 511-3-6 of the Rules of the Georgia Department of Public Health, as it existed on February 28, 2016.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2016.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

By: _____
Charles W. Oddo, Chairman

(SEAL)

ATTEST:

Floyd Jones, County Clerk

Approved as to form:

County Attorney

Exhibit "A"

Subject 511-6-2 TOURIST ACCOMMODATIONS**Rule 511-6-2-.01 Legal Authority**

These rules are adopted pursuant to the Official Code of Georgia Annotated §§ [31-2A-6](#) and [31-28-1](#) *et seq.*

Cite as Ga. Comp. R. & Regs. R. 511-6-2-.01

Authority: O.C.G.A. §§ [31-2A-6](#) and [31-28-5](#).

History. Original Rule entitled "Legal Authority" adopted. F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 511-6-2-.02 Title and Purpose

These rules shall be known as the Rules and Regulations for Tourist Accommodations. The purpose of these rules is to emphasize the minimum standards necessary for tourist accommodations to provide essential services, facilities, and sanitary conditions in order to protect the public health and safety.

Cite as Ga. Comp. R. & Regs. R. 511-6-2-.02

Authority: O.C.G.A. §§ [31-2A-6](#) and [31-28-5](#).

History. Original Rule entitled "Title and Purpose" adopted. F. Jul. 16, 2013; eff. Jan. 1, 2014, as specified by the Agency.

Rule 511-6-2-.03 Definitions

The following definitions shall apply in the interpretation and enforcement of these rules:

- (a) "Approved" means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (b) "Bed and Breakfast Inn" means an establishment of twenty guestrooms or less, which serves food only to its registered tourists, and serves only a breakfast or similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. For purposes of the rules, "Bed and Breakfast Inn" refers to an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and tourist."
- (c) "Consumer" means in terms of relationship with a tourist accommodation, a transient person who becomes a guest of a tourist accommodation and is a member of the public, takes possession of food, receives lodging and

Exhibit "B"

Subject 511-6-1 FOOD SERVICE**Rule 511-6-1-.01 Definitions**

- (1) **"Accredited program"** means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.
- (2) **"Adulterated"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.
- (3) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (4) **"Asymptomatic"** means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.
- (5) **" a_w "** means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .
- (6) **"Balut"** means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.
- (7) **"Base of Operation"** means a food service establishment, or any other permitted location in which food, containers or supplies are

Exhibit "C"

Subject 511-3-6 PORTABLE SANITATION CONTRACTORS

Rule 511-3-6-.01 Applicability

These Rules shall apply to all portable sanitation service providers except those being used in a facility or system under the jurisdiction of and regulated by the Department of Natural Resources under the Georgia Water Quality Control Act or the Georgia Comprehensive Solid Waste Management Act.

Cite as Ga. Comp. R. & Regs. R. 511-3-6-.01

Authority: O.C.G.A. Sections [31-2A-6](#), [31-12-8](#), [31-27-9](#), [12-8-1](#).

History. Original Rule entitled "Applicability" adopted. F. Oct. 16, 2013; eff. Nov. 5, 2013.

Rule 511-3-6-.02 Definitions

- (a) "Approval" or "approved" means acceptable or accepted by the Health Authority in accordance with applicable specifications stated herein or with additional criteria applied by the Authority.
- (b) "Certified Portable Sanitation Contractor" means an individual engaged in furnishing, renting, or servicing portable units, and that has met the certification requirements of this Chapter and is in good standing with the Department.
- (c) "Certified Portable Sanitation Company" means a person engaged in the business of furnishing, renting or servicing portable sanitation units, and that has met the requirements of this Chapter and is in good standing with the Department.
- (d) "Construction Site" means a development area in which building construction, repair, or land improvement is taking place.
- (e) "Department" or "DPH" means the Georgia Department of Public Health.
- (f) "Health Authority" means a county board of health organized pursuant to O.C.G.A. Sections [31-3-1](#) *et seq.*
- (g) "Holding Tank" means a water-tight container utilized temporarily to hold sewage from a portable sanitation unit.

COUNTY AGENDA REQUEST New Business #10 ^{Page 62}

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's request to host the "Balloons Over Fayette" Hot Air Balloon Festival and authorization to utilize \$64,500 from General Fund balance to offset expenses.

Background/History/Details:

In the fall of 2014, the Parks and Recreation Department began looking at a special event that would be unique to Fayette County. After visiting a few festivals, it was determined that a hot air balloon festival should be considered for Fayette County. A group was formed to begin looking at all aspects of hosting this kind of festival. The group developed a tentative cost for producing a Hot Air Balloon Festival with a preliminary budget of \$64,500. The proposed concept and budget is a rough draft, but is based on internet research and speaking with other promoters of various events. Estimated revenues of \$23,875 offset expenses, and include booth rentals, sponsorships, and a nominal entry fee, bringing the net cost to \$40,625. (Attachment A)

A Balloon Meister would be contracted to handle the balloon aspect of the festival. The Meister's costs would cover the cost to obtain balloons, propane, hotel accommodations for the balloonist, meals for balloonist, pilot packs, and a promoters administrative cost. Other aspects proposed by the group for the festival would be a kids zone with various inflatables, entertainment/stage area, and an arts/food vendor area.

The planned event date proposed is June 11, 2016 at McCurry Park and alternate rain date will be coordinated with the Balloon Meister.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to host the "Balloons Over Fayette" Hot Air Balloon Festival and authorization to utilize \$64,500 from General Fund balance to offset expenses.

If this item requires funding, please describe:

Authorization to utilize \$64,500 from General Fund balance to offset expenses with all revenues received being returned to the General Fund balance.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

The proposed event is a good effort to generate publicity for the Fayette Community while bringing entertainment and a family event to all citizens in and around Fayette County.

"Balloons Over Fayette" - Hot Air Balloon Festival Analysis

Estimated Revenues:

Park Entry Fees:

\$5.00 per person	1,250 patrons	\$6,250
Children under 3 free		

Balloon Tethered Rides:

Adults - \$15 per ride	250 riders	\$3,750
Children - \$10 per ride	250 riders	\$2,500
		<u>\$6,250</u>

Inflatable Rides:

Children - \$2.00 per ride	250 riders	\$500
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Arts/Craft and Food Vendors:

Art Vendors - \$25 per space	15 vendors	\$375
Food Vendors - \$50 per space	10 vendors	\$500
		<u>\$875</u>

Sponsorships:		\$10,000
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Estimated Revenue	\$23,875
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Hot Air Balloons:

Meister	\$26,000
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Kids Zone:

Inflatables, Rock Wall, Zip Line	\$5,000
Barrier Fencing	\$1,000
	<u>\$6,000</u>

Entertainment:

Stage with Steps	\$1,600
Headliner	\$2,400
Stage Lights	\$500
Sound System	\$1,000
Stage Decorations	\$500
	<u>\$6,000</u>

Marketing:

Advertisements	\$3,500
Banners	\$300
Posters/Flyers	\$200
	<u>\$4,000</u>

Craft/Food Vendors:

Tent	\$100
Signage	\$200
ID Badges	\$25
Committee Shirts/Hats	\$400
Walkie Talkies	\$100
Line Marker Paint	\$35
Office Supplies	\$25
Gas for Gators	\$15
Volunteer Safety Vest	\$100
	<u>\$1,000</u>

Logistics:

Security Fencing	\$9,000
Electrical Hookups	\$10,000
Porta Johns	\$1,400
Extra Dumpsters	\$1,000
1st Aid Tent	\$100
	<u>\$21,500</u>

Estimated Expenses	\$64,500
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Estimated Shortfall	(\$40,625)
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ADMINISTRATOR'S REPORT



Fayette COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

PURCHASING DEPARTMENT
140 STONEWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson
From: Ted L. Burgess *TJ*
Date: February 10, 2016
Subject: 1077-N: Lake McIntosh – Wetland Mitigation Monitoring

On June 29, 2007 the U.S. Army Corps of Engineers issued Permit Number 200115230 to the county for construction of an earth embankment dam, which would create Lake McIntosh. To compensate for impact and protect water quality, the Corps required mitigation at sites in Fayette, Spalding, and Meriwether Counties. Since then, Eco-Tech has worked with the county to assure that federal and other requirements related to the project are met.

This contract will provide Year 4 of a five-year project for mitigation performance monitoring surveys and associated reporting.

Specifics of the contract are as follows:

Contract name: 1077-N: Lake McIntosh – Wetland Mitigation Monitoring
Contractor: Eco-Tech Consultants, Inc.
Contract type: Professional Services
Not-to-exceed amount: \$62,500.00
Budget:
 Org: 50541010 Water System Administration
 Object: 522268 Reservoirs
 Available balance: \$70,100.59 As Of 2/10/2016

Awarding authority: County Administrator

Approval signature *[Signature]* Date 2/10/16