

December 16, 2003

REGULAR BUSINESS MEETING -- DECEMBER 16, 2003

PRESENT: Chairman C. Crandle Bray, Vice Chairman Gerald A. Matthews, Commissioner Virginia Burton Gray, Commissioner J. Charley Griswell, Commissioner Carl Rhodenizer, and Clerk Suzanne Brown.

1. Chairman Bray called the meeting to order.
2. Invocation led by Rev. Roger Blankenship. Pledge of allegiance the flag led by Chairman Bray.
3. Motion by Commissioner Griswell, second by Vice Chairman Matthews, to approve the agenda as
the official agenda of the Regular Business Meeting of December 16, 2003 (as all commissioners had copies before them). Vote unanimous.
4. Motion by Commissioner Rhodenizer, second by Commissioner Gray, to approve the minutes of the
Regular Business Meeting of December 2, 2003 and the Work Session of December 9, 2003. Vote unanimous.
5. **PUBLIC HEARING:** Regarding the proposed adoption of the Ellenwood Town Center
Redevelopment Plan and Creation of Tax Allocation Bond District Number One – Ellenwood Town Center.

Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to approve adoption of the Ellenwood Town Center Redevelopment Plan and Creation of Tax Allocation Bond District Number One -- Ellenwood Town Center. Vote unanimous.

Chairman Bray announced this was a public hearing and asked if anyone from the audience had any comments. He reminded everyone that the zoning application was approved on November 20, 2003 for a planned unit development in this area, contingent on the creation of a tax district (which will build the infrastructure/road and sewer systems). There was no response from the audience.

Commissioner Griswell questioned when the project would commence. Chairman Bray understood the project would have to be presented to the State before the end of the year, following the Board's action today (approval/disapproval). Once the tax district is approved, action will be taken to secure leases/revenue sources. Those leases/sources would then be brought back to the Board for approval and the project would proceed from there. The Board then approved the creation of the tax district.

Chairman Bray officially closed the public hearing at 9:06 a.m. Staff Attorney Don Comer said he will present a formal resolution (Item #8) in this meeting.

6. Peggy Davidson, Deputy Director of Central Services, presented these items for consideration which resulted in the following actions:

1) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve a

purchase requisition (P.R. #2201), from Juvenile Court, for two (2) Crown Victorias to be purchased from Allan Vigil Ford, under current Georgia state contract, for \$42,280.00. Vote unanimous.

2) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #3001-04-076), from the Police Department, for a bomb total containment vessel to be purchased from NABCO, Inc., Canonsburg, PA, as a sole source, for a total cost of \$225,000.00 (grant-funded). Vote unanimous.

3) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve a

purchase requisition (P.R. #3001-04-077), from the Police Department, for an explosive ordinance disposal vehicle to be purchased from the LDV, Inc., Burlington, Wisconsin through the 1122 GSA contract program, for a total cost of \$194,995.00 (grant-funded). Vote unanimous.

4) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve a

purchase requisition (P.R. #3007-04-069), from the Police Department, for a camera upgrade for the existing robot. This upgrade will be purchased from Remotec, Inc., Oak Ridge, TN as a sole source, for a total cost of \$26,329.00 (grant-funded). Vote unanimous.

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5) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #3301-040017), from the Communications Department, for computer equipment to be purchased from Gateway, North Sioux City, South Dakota, under current Georgia state contract, for a total cost of \$21,302.01. Vote unanimous.

6) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve a

purchase requisition (P.R. #3351), from Technical Support, for a portable radio communication system to be purchased from Secom Systems, Norcross, Georgia, under an annual contract, for a total cost of \$22,021.00 (grant-funded). Vote unanimous.

7) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #3401-2425), from Community Development, for a Ford F-150 pickup truck to be purchased from Allan Vigil Ford, under current Georgia state contract, for a total cost of \$14,286.00. Vote unanimous.

8) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve a

purchase requisition (P.R. #3601-04-0003), from the Police Department, for two (2) animal transport bodies to be purchased from Swab Wagon, Inc., Elizabethville, PA as a sole source, for a total cost of \$24,546.00. Vote unanimous.

9) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #3901-253), from the Fire Department, for two (2) defibrillators to be purchased from Medtronic Physio-Control, Redmond, Washington as a sole source, for a total cost of \$35,480.70. Vote unanimous.

10) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve

three (3) purchase requisitions (P.R. #4001 0052, #4001 0053 and #4040 0082), from Transportation & Development, for four (4) trucks. These vehicles will be purchased from Allan Vigil Ford, under current Georgia state contract, for a total cost of \$107,416.00. Vote unanimous.

11) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #5001), from the Headquarters Library, for a Ford Econoline cargo van to be purchased from Allan Vigil Ford, under current Georgia state contract, for a total cost of \$20,930.00. Vote unanimous.

12) Motion by Commissioner Griswell, second by Vice Chairman Matthews, to approve a purchase

requisition (P.R. #7010), from the Police Department, for computer equipment to be purchased from Dell Computer Corporation, Round Rock, Texas, under Georgia state contract, for a total cost of \$119,509.89. Vote unanimous.

13) Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to approve a purchase

requisition, from Technical Support, for a communications vehicle to be purchased from LDV, Inc., Burlington, Wisconsin through the 1122 GSA contract program, for a total cost of \$174,463.00 (grant-funded). Vote unanimous.

14) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition, from Technical Support, for a portable radio communication system to be used in emergency and hazardous material situations. This communication system will be purchased from Diversified Electronics, Forest Park, Georgia, under current Georgia state contract, for a total cost of \$115,434.00 (grant-funded). Vote unanimous.

15) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve

a bid (Bid Pkg. #03-69; 10/27/03), from Fleet Maintenance, for an indefinite quantity annual contract for a variety of filters. There will be a split award to the low quote for automobile filters to Napa Auto Parts, Lake City, Georgia and low quote for truck and heavy equipment filters to Southeastern Auto Warehouse, Atlanta, Georgia. Vote unanimous.

16) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

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bid (Bid Pkg. #03-73; 11/13/03), from the Transportation and Development Department, for one (1) 40 foot aerial tower bucket truck. Wayne Patterson, Director of T&D, has reviewed all quotes and recommends the low quote of Telelect Southeast, Glen Allen, Virginia. The total purchase amount is \$95,822.00. Vote unanimous.

17) Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve

a bid (Bid Pkg. #03-77; 11/19/03), from the Transportation and Development Department, for an indefinite quantity annual contract for hauling. Mr. Patterson and his staff have reviewed the quotes and recommend the low quote of Gatewood Grading, Inc., Newnan, Georgia. Vote unanimous.

18) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a

purchase requisition (P.R. #2805), from the Sheriff's Office, for computer equipment to be purchased from Gateway, for a total cost of \$59,141.00. Vote unanimous.

19) Motion by Commissioner Griswell, second by Chairman Bray, to approve a purchase requisition (P.R. #1901 0586), from the Tax Assessors Office, for a Crown Victoria. This vehicle will be purchased from Allan Vigil Ford, under current Georgia state contract, for a total cost of \$20,872.00. Vote unanimous.

7. Dan Martin, Director of Finance, presented these items for review which resulted in the following actions:

1) Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve

KPMG as the county's auditor for one year with a renewable option afterwards (recommended by the Audit Review Committee). Vote unanimous.

REQUEST FOR BUDGET AMENDMENT -- SHERIFF

INCREASE REVENUE

Miscellaneous Revenue	101-2805-3720
\$ 19,000	

INCREASE EXPENSE

CO - Other Equipment	101-2805-6040	\$
4,000		
CO - Office Equip & Computers	101-2805-6030	
<u>60,000</u>		
		64,000

DECREASE EXPENSE

Other Contract Fees	101-2805-4140
45,000	

\$
19,000

REQUEST FOR BUDGET AMENDMENT -- LOVEJOY LIBRARY

GRANT FUND

INCREASE REVENUES:

Operating Transfers In	289-5060-7010-10000-3ED44	\$ 148,000
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Staff Attorney Don Comer said the minor change will allow the Board to be satisfied with the agreement entered into between the commission and the developer before tax allocation bonds are issued. Commissioner Rhodenizer asked Mr. Comer to give all of the commissioners a corrected copy of this resolution. Mr. Comer agreed to do so.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 -161

A RESOLUTION CREATING THE ELLENWOOD TOWN CENTER REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT NUMBER ONE - ELLENWOOD TOWN CENTER; TO DESIGNATE THE BOUNDARIES OF THE REDEVELOPMENT AREA; TO ESTABLISH THE TAX INCREMENT BASE AND ADOPT A REDEVELOPMENT PLAN FOR THE AREA; TO CREATE A TAX ALLOCATION DISTRICT WITHIN THE REDEVELOPMENT AREA AND TO DEFINE THE BOUNDARIES THEREOF; TO ESTABLISH THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS AND SUCH REDEVELOPMENT BONDS NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; TO AUTHORIZE THE URBAN REDEVELOPMENT AGENCY OF CLAYTON COUNTY, GEORGIA TO ACT AS THE REDEVELOPMENT AGENT TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW AND THE URBAN REDEVELOPMENT LAW; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENT RELATING HERETO, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE FOR THE REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by counties and municipalities in the State of Georgia; and

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WHEREAS, the purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare and impair or arrest the sound growth of the community; and

WHEREAS, it is in the public interest of Clayton County that the Redevelopment Powers Law be exercised to enable a public-private partnership to improve economic and social conditions of the

Ellenwood Town Center site in order to improve the growth arresting effects of its current underutilized state; and

WHEREAS, the Urban Redevelopment Law (O.C.G.A. § 36-61-1 et seq.) provides for the acquisition, clearance, disposition, conservation and/or rehabilitation of slum areas by counties and municipalities in the State of Georgia; and

WHEREAS, the purpose of the Urban Redevelopment Law is to prevent, eliminate and remedy slum areas as such areas contribute substantially and increasingly to the spread of disease and crime, constitute an economic and social liability, substantially impair or arrest the sound growth of counties and municipalities and retard the provision of housing accommodations while contributing little to the tax income of the state, its counties and municipalities and consuming an excessive proportion of state, county and municipality revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities; and

WHEREAS, the Board of Commissioners of Clayton County has previously made the legislative findings required by the Urban Redevelopment Powers Law, O.C.G.A. § 36-61-5, and has created and activated the Urban Redevelopment Agency of Clayton County, Georgia (the "Agency") pursuant to O.C.G.A. § 36-61-18; and

WHEREAS, it is in the public interest of Clayton County that the Urban Redevelopment Law be exercised to enable a public-private partnership to improve the economic and social conditions of the Ellenwood Town Center site in order to remedy the detrimental effects of its current depressed state; and

WHEREAS, the aforesaid public-private partnership is committed to effectuate goals that will be beneficial to Clayton County, specifically to provide hundreds of new jobs, new sales tax revenues, increased incomes for Clayton County residents, new residential, shopping, and entertainment opportunities, and increased revenues for area businesses in an area of Clayton County that has seen little new development in decades; and

WHEREAS, a Redevelopment Plan has been prepared for the Ellenwood Town Center Redevelopment Area pursuant to O.C.G.A. § 36-44-3(9); and

WHEREAS, the Clayton County Board of Commissioners desires to adopt the Ellenwood Town Center Redevelopment Plan and create the Ellenwood Town Center Tax Allocation District Number One - Ellenwood Town Center.

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

Section 1. The Board of Commissioners finds and declares that the Ellenwood Town Center Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Ellenwood Town Center Redevelopment Plan ("Redevelopment Plan").

Section 2. The Board of Commissioners finds and declares that the improvement of the Ellenwood Town Center Redevelopment Area is likely to enhance the value of a substantial portion of other real property in the district.

Section 3. The Board of Commissioners adopts the Redevelopment Plan attached to this Resolution as the Redevelopment Plan for the aforesaid area pursuant to the Redevelopment Powers Law and as its Urban Redevelopment Plan pursuant to the Urban Redevelopment Law.

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Section 4. The Board of Commissioners creates Tax Allocation District Number One - Ellenwood Town Center pursuant to the Redevelopment Plan, the Redevelopment Powers Law and the Urban Redevelopment Law.

Section 5. Ellenwood Town Center Tax Allocation District Number One - Ellenwood Town Center is hereby created as of December 31, 2003, and shall continue in existence for twenty-five years thereafter, or until all redevelopment costs, including financing costs and debt service on tax allocation bonds, are paid in full.

Section 6. The Board of Commissioners hereby establishes the estimated Tax Allocation Increment Base of \$16,116,068. The property taxes to be used for computing tax allocation increments are specified in the attached Redevelopment Plan and incorporated herein by reference.

Section 7. The Board of Commissioners designates the Agency to serve as its redevelopment agent to implement the provisions of the Redevelopment Plan and to effectuate the redevelopment of the Ellenwood Town Center Redevelopment Area pursuant to the Redevelopment Plan, the Redevelopment Powers Law and the Urban Redevelopment Law.

Section 8. The Board of Commissioners upon execution of a Development Agreement intends to issue Tax Allocation Bonds and such other redevelopment bonds as may be necessary to implement provisions of the Redevelopment Plan as adopted by the Board of Commissioners of Clayton County.

Section 9. If authorized, the Board of Commissioners will use the proceeds of such bonds by the Agency and Clayton County for any and all eligible uses including, without limitation, costs of issuance of the tax allocation bonds; capital costs of public improvements, including but not limited to streets, bridges, utilities, storm and sanitary sewers, parks and parking lots; professional services costs, including fees for architectural, engineering and environmental services; and such other uses deemed necessary pursuant to provisions of the Redevelopment Plan, the Redevelopment Powers Law and the Urban Redevelopment Law.

Section 10. The property proposed to be pledged for payment and as security for payment of Tax Allocation Bonds shall include the positive ad valorem tax allocation increments derived from the Tax Allocation District; provided, however, that this pledge of increment shall include the Fire District levy only for the tax parcels identified in Exhibit "A" to this Resolution. Section 11. The Board of Commissioners finds and declares that the ad valorem increment pledged in Section 10. above will be insufficient to pay the principal and interest on Tax Allocation Bonds. Pursuant to O.C.G.A. sections 36-44-8(3)(F), 36-44-9(e), 36-44-14 and 36-44-20, the property pledged for payment and as security for payment of Tax Allocation Bonds also shall include the portion of general fund revenues derived from the Tax Allocation District that is attributable to local option sales taxes collected from businesses located within the tax parcels identified in Exhibit "A" to this Resolution; provided, however, that this Section 11. shall be effective only if the portion of local option sales taxes so pledged is not required to be included in the calculation of the millage rate reduction required by O.C.G.A. section 48-8-91(a).

Section 12. Prior to issuing Tax Allocation Bonds, the County shall enter into a Development Agreement with Ellenwood Partners LLC that shall provide, *inter alia*, that Ellenwood Partners LLC shall donate to the County a two-acre site within the development to be used for a public safety facility.

Section 13. The Board of Commissioners authorizes the Chairman to execute any document relating hereto, and otherwise to perform all acts necessary to accomplish the purpose of this Resolution.

Section 14. All resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 15. This Resolution will be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

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COMMISSIONERS

CLAYTON COUNTY BOARD OF

_____	<u>/s/ C. CRANDLE BRAY, CHAIRMAN</u>
<u>CHAIRMAN</u>	<u>/s/ GERALD A. MATTHEWS, VICE-</u>
<u>COMMISSIONER</u>	<u>/s/ VIRGINIA BURTON GRAY,</u>
<u>COMMISSIONER</u>	<u>/s/ J. CHARLEY GRISWELL,</u>
<u>COMMISSIONER</u>	<u>/s/ CARL RHODENIZER,</u>

ATTEST:

/s/ SUZANNE BROWN

9. Motion by Commissioner Rhodenizer, second by Commissioner Gray, to approve Resolution 2003-162 authorizing Clayton County to enter into contracts for services with Gregory Samples, B. A. White Transitional Youth Center, Inc., and the Human Connection, Inc. providing for the terms and conditions under which training services will be administered to eligible participants in connection with the "Providing Safe and Stable Families Program" for Juvenile Court; to authorize the Chairman to execute the contracts for services, etc. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 162

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO CONTRACTS FOR

SERVICES WITH GREGGORY SAMPLES, B. A. WHITE TRANSITIONAL YOUTH CENTER, INC.,
AND THE HUMAN CONNECTION, INC. PROVIDING FOR THE TERMS AND CONDITIONS
UNDER

WHICH TRAINING SERVICES WILL BE ADMINISTERED TO ELIGIBLE PARTICIPANTS IN
CONJUNCTION WITH THE "PROVIDING SAFE AND STABLE FAMILIES PROGRAM" FOR
JUVENILE COURT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACTS FOR
SERVICES, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE
INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION;
AND

FOR OTHER PURPOSES.

WHEREAS, Gregory Samples, Barbara A. White of B. A. White Transitional Youth Center, Inc., and Joyce Divinyi of The Human Connection, Inc. are eminently qualified and have agreed to provide training services for eligible participants in conjunction with the "Providing Safe and Stable Families Program" for Juvenile Court; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into the Contracts for Services for the stated purpose.

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

Section 1. The Board of Commissioners hereby authorizes Clayton County to enter into Contracts for Services with Gregory Samples, B. A. White Transitional Youth Center, Inc., and The Human Connection, Inc. providing for training services for eligible participants in conjunction with the

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"Providing Safe and Stable Families Program" for Juvenile Court. Further, the Board of Commissioners hereby authorizes the Chairman to execute the Contracts for Services, and otherwise to perform all acts necessary to accomplish the intent of this Resolution. The Contracts for Services are attached hereto.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

CLAYTON COUNTY BOARD OF
COMMISSIONERS

/s/ C. CRANDLE BRAY,

CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE

/s/ VIRGINIA BURTON GRAY,

CHAIRMAN
COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

10. Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve Resolution 2003-163 authorizing an amendment to the Clayton County Public Employee Eligible Deferred Compensation Plan so as to comply with changes of determining required minimum distributions for calendar years beginning with the 2003 calendar year; to authorize the Chairman to perform all acts necessary to accomplish the intent of the resolution, etc. Vote unanimous.

Per Mr. Comer, this is a change in IRS rules and regulations and the county only has to make a minor amendment. Mr. Martin said this amendment allows employees, starting at age 70½, to have a longer period to withdraw funds from a deferred compensation plan.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 163

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CLAYTON COUNTY PUBLIC EMPLOYEE ELIGIBLE DEFERRED COMPENSATION PLAN SO AS TO COMPLY WITH CHANGES OF DETERMINING REQUIRED MINIMUM DISTRIBUTIONS FOR CALENDAR YEARS BEGINNING WITH THE 2003 CALENDAR YEAR; TO AUTHORIZE THE CHAIRMAN TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County (the “Employer”) maintains an “eligible deferred compensation plan,” within the meaning of Section 457(b) of the Internal Revenue Code of 1986, as amended, under an indenture dated August 9, 1995 (the “Plan”); and

WHEREAS, Clayton County now desires to comply with the changes required under Section 401(a)(9) of the Code; and

WHEREAS, this amendment shall supercede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

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

Section 1. The Board of Commissioners hereby authorizes an amendment to the Clayton County Public Employee Eligible Deferred Compensation Plan in the following particulars:

1. By adding the following Appendix “A” to the end thereof:

“APPENDIX A

MINIMUM DISTRIBUTION REQUIREMENTS

SECTION 1

GENERAL RULES

(a) Effective Date and Precedence. The provisions of this Appendix A will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year. The requirements of this Appendix A will take precedence over any inconsistent provisions of the Plan.

(b) Requirements of Treasury Regulations Incorporated. All distributions required under this Section will be determined and made in accordance with the Treasury Regulations under Code Section 401(a)(9).

(c) TEFRA Section 242(b)(2) Elections. Notwithstanding the other provisions of this Appendix A, distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to Section 242(b)(2) of TEFRA.

SECTION 2

TIME AND MANNER OF DISTRIBUTION

(a) Required Beginning Date. The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's Required Beginning Date.

(b) Death of Participant Before Distributions Begin. If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed as follows:

(1) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary, then distributions to the surviving spouse will begin by the later of:

(A) December 31 of the calendar year immediately following the calendar year in which the Participant died, or

(B) by December 31 of the calendar year in which the Participant would have attained age 70½.

(2) If the Participant's surviving spouse is not the Participant's sole Designated Beneficiary, then, distributions to the Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(3) If there is no Designated Beneficiary, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(4) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the

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surviving spouse begin, this Section 2(b) (but without regard to Section 2(b)(1) above), will apply as if the surviving spouse were the Participant.

For purposes of this Section 2(b) and Section 4 of this Appendix A, unless Section 2(b)(4) of this Appendix A applies, distributions are considered to begin on the Participant's Required Beginning Date. If Section 2(b)(4) of this Appendix A applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 2(b)(1) of this Appendix A. If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 2(b)(1)), the date distributions are considered to begin is the date distributions actually commence.

(c) Forms of Distribution. Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first Distribution Calendar Year, distributions will be made in accordance with Sections 3 and 4 of this Appendix A. If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Code Section 401(a)(9) and the regulations issued thereunder.

SECTION 3

REQUIRED MINIMUM DISTRIBUTIONS DURING PARTICIPANT'S LIFETIME

(a) Amount of Required Minimum Distribution For Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each Distribution Calendar Year is the lesser of:

(1) the quotient obtained by dividing the Participant's Account Balance by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's age as of the Participant's birthday in the Distribution Calendar Year; or

(2) if the Participant's sole Designated Beneficiary throughout the entire Distribution Calendar Year is the Participant's spouse, the quotient obtained by dividing the Participant's Account Balance by the number in the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the Distribution Calendar Year.

(b) Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this Section 3 beginning with the first Distribution Calendar Year and up to and including the Distribution Calendar Year that includes the Participant's date of death.

SECTION 4

REQUIRED MINIMUM DISTRIBUTIONS AFTER PARTICIPANT'S DEATH

(a) Death On or After Date Distributions Begin.

(1) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a Designated Beneficiary, the minimum amount that will be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account Balance by the longer of the remaining Life Expectancy of the Participant or the remaining Life Expectancy of the Participant's Designated Beneficiary, determined as follows:

(i) The Participant's remaining Life Expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

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(ii) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary, the remaining Life Expectancy of the surviving spouse is calculated for each Distribution Calendar Year after the year of the Participant's death using the surviving spouse's age as of the spouse's birthday in that year. For Distribution Calendar Years after the year of the surviving spouse's death, the remaining Life Expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.

(iii) If the Participant's surviving spouse is not the Participant's sole Designated Beneficiary, the Designated Beneficiary's remaining Life Expectancy is calculated using the age of the Designated Beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.

(2) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no Designated Beneficiary, the minimum amount that will be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account Balance by the Participant's remaining Life Expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

(b) Death Before Date Distributions Begin.

(1) Participant Survived by Designated Beneficiary. If the Participant dies before the date distributions begin and there is a Designated Beneficiary, the minimum amount that will be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account Balance by the remaining Life Expectancy of the Participant's Designated Beneficiary, determined as provided in Section 4(a).

(2) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no Designated Beneficiary, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(3) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole Designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 2(b)(1) of this Appendix A, this Section (b) will apply as if the surviving spouse were the Participant.

(4) Alternative for Distributions to Designated Beneficiaries. In lieu of receiving distributions as required under Subsection (1) and (3) above, the Designated Beneficiary may elect to take distribution of the Participant's entire interest on or before the December 31 of the calendar year containing the fifth anniversary of the Participant's death.

SECTION 5

DEFINITIONS

As used in this Appendix A, the following words and phrases shall have the meaning set forth below:

(a) Designated Beneficiary. The individual who is designated as the Beneficiary under Section 1.3 of the Plan and is the designated Beneficiary under Section 401(a)(9) of the Internal Revenue Code and Section 1.401(a)(9)-1, Q&A-4, of the Treasury Regulations. For purposes of this Appendix A, the Designated Beneficiary (or the fact that there is no Designated Beneficiary) shall be determined on the September 30 of (except for Section 3(a)(2) above) the year following the year in which the Participant died.

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(b) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first Distribution Calendar Year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first Distribution Calendar Year is the calendar year in which distributions are required to begin under Section 2(b). The required minimum distribution for the Participant's first Distribution Calendar Year will be made on or before the Participant's Required Beginning Date. The required minimum distribution for other Distribution Calendar Years, including the required minimum distribution for

the Distribution Calendar Year in which the Participant's Required Beginning Date occurs, will be made on or before December 31 of that Distribution Calendar Year.

(c) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

(d) Participant's Account Balance. The Account balance as of the last Valuation Date in the calendar year immediately preceding the Distribution Calendar Year ("Valuation Calendar Year") increased by the amount of any contributions made and allocated or forfeitures allocated to the Account balance as of dates in the Valuation Calendar Year after the Valuation Date and decreased by distributions made in the Valuation Calendar Year after the Valuation Date. The Account balance for the Valuation Calendar Year includes any amounts rolled over or transferred to the Plan either in the Valuation Calendar Year or in the Distribution Calendar Year if distributed or transferred in the Valuation Calendar Year.

(e) Required Beginning Date. The date defined under Section 1.16 of the Plan."

Section 2. Except as specifically amended hereby, the Plan shall remain in full force and effect as prior to this Amendment.

Section 3. This Resolution shall be effective on January 1, 2003, following its approval by the Board of Commissioners.

SO RESOLVED, this 16th day of December, 2003.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

11. Motion by Commissioner Rhodenizer, second by Chairman Bray, to approve Resolution 2003-164 providing for the sale of county real property located on Carver Drive, Morrow, Georgia; to authorize the Chairman to execute the deed of conveyance, etc. The sale will be on hold until a list of all parcels in the area is compiled. Vote unanimous.

Mr. Comer stated this is a request from Ms. Norma Buckley, an adjacent property owner. The lot is located in Paradise Park and was acquired in the 1960's in a tax sale. It will be advertised and sold on the courthouse steps to the highest bidder.

Chairman Bray asked Mr. Comer if the neighbors (owners of contiguous property) had been contacted that the property will be up for sale. Mr. Comer said no, he had not contacted them as of yet but he plans to do so before the sale. He stressed that the zoning and residential use of this property will not be affected. Notification of a sale will afford the county more individuals who may be interested in the bidding process.

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Commissioner Griswell questioned the number of parcels left that the tax department has taken back due to tax delinquency. Mr. Comer said he was aware of many parcels that were sold in the past without anyone bidding on them. The county ended up bidding them in for the amount of tax. According to Mr. Comer, nothing is usually done with these properties until an adjoining property owner requests that the county sells them. Commissioner Griswell said it would be a better idea to first ascertain how many parcels were left in that area that the county has taken back and bid in, and then sell all of them at one time. Mr. Comer said he would be glad to do that. He promised to have the entire list ready at the next Work Session to get authorization to sell all of the parcels at one time.

Vice Chairman Matthews asked for clarification on whether or not the Board would go ahead with this sale request or wait for the list. Mr. Comer said that was entirely up to the Board, but at least there is a buyer for this lot. Once the rest of those parcels are advertised for sale, there may or may not be any buyers. He emphasized that part of the problem is that there is very little use for these parcels. They are unbuildable due to non-conformity, and the value is only to those persons who want the parcels. There is also the issue of persons having to pay taxes on them. Vice Chairman Matthews stated if some of the parcels were contiguous to each other, then they would be uniform. Chairman Bray commented that there is no uniformity in this lot.

Commissioner Gray questioned if the surrounding properties were vacant. Mr. Comer said he did not know at this time, but he would research it for her. Commissioner Gray asked if this lot were unbuildable. Mr. Comer stated this lot may be an exception. It is 60 feet and he did not believe the current zoning allows building on that amount of space. He said bidders understand that current zoning conditions apply. When this subdivision was first platted, a house could be built on a 50-60 foot lot. Commissioner Gray asked why someone would want to buy this lot. Mr. Comer said many times persons

will buy these type lots to use as dumping grounds, plant gardens, or have more property to control. Commissioner Gray questioned if Norma Buckley wanted to buy this property. Mr. Comer said yes, she is the person who has asked the county to sell the property. Chairman Bray commented that Ms. Buckley has to compete to buy this property with others at the courthouse steps. Commissioner Gray said she did not understand why someone who lives on Emerald Drive would want this property. She believed the Board would see something else related to this matter later. Mr. Comer agreed and added that would be contingent on whether Ms. Buckley is successful in acquiring this property.

Chairman Bray advised that this property sale be put on hold until the list Commissioner Griswell requested was ready to be brought back to the Board. Mr. Comer said that would be O.K. because the advertising would take place over a period of four (4) weeks, and the sale would be in February 2004.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 164

A RESOLUTION PROVIDING FOR THE SALE OF COUNTY REAL PROPERTY
LOCATED

ON CARVER DRIVE, MORROW, GEORGIA; TO AUTHORIZE THE CHAIRMAN TO EXECUTE
THE

DEED OF CONVEYANCE, AND TO OTHERWISE PERFORM ALL ACTS NECESSARY TO

ACCOMPLISH THE PURPOSE OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF
THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, on January 1, 1975 the County acquired certain real property identified as Parcel #12-173A-H002 located on Carver Drive, Morrow, Georgia through the levy and sale of a tax execution; and

WHEREAS, it is hereby determined that the property sought to be purchased is not situated in a way to be effectively used for the benefit of the County, and no substantial County or public purpose will be served in the future by such property; and

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WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by conveying the subject property in accordance with applicable Georgia laws.

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

Section 1. The Board of Commissioners hereby authorizes Clayton County to convey certain County owned property identified as Parcel #12-173A-H002 located on Carver Drive, Morrow, Georgia,

in accordance with provisions of Georgia laws. Further, the Board of Commissioners hereby authorizes the Chairman to execute the deed of conveyance, and to otherwise perform all acts necessary to accomplish the purpose of this Resolution. A plat depicting the subject property is attached hereto.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE CHAIRMAN

COMMISSIONER
COMMISSIONER

/s/ VIRGINIA BURTON GRAY,

/s/ J. CHARLEY GRISWELL,

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

12. Motion by Commissioner Rhodenizer, second by Commissioner Griswell, to approve Ordinance 2003-165 to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 82 "Streets, Sidewalks and Other Public Places" so as to delete Article V. "Dispossessories" and adopt a new Article V. "Dispossessories" the provisions of which provide for the intent of the ordinance, the terms and conditions under which a claim against a property owner will be made; to repeal conflicting laws, ordinances, and resolutions, etc. with an amendment to the section which specifies the amount of time a landlord has to clean up debris left by a tenant (from 24 hours to 12 hours). Vote unanimous.

In the past, Mr. Comer stated a landlord had to post a bond when the right-of-way was not cleaned up by the tenant. The county had to come in and clean up the right-of-way and, if the payment had not been made for that clean-up, the county would have to go against the bond. This was a tedious process and, in many instances, no one applied for a bond. This amendment ensures cooperation between the Sheriff's Office and the Magistrate Court and states that, before the Sheriff will execute a writ of possession (eviction), the tenant must sign a letter of intent. This letter specifies that, if personalty is not cleaned off the right-of-way within 72 hours, the county has a right to pick it up and charge the tenant or the landlord for the removal services (\$250.00-\$500.00).

Commissioner Griswell felt 72 hours was too long for personalty to be on the right-of-way. He said debris left from evictions was usually an eyesore to the community. Mr. Comer explained that the tenant has 48 hours to clear up the personalty and, should he fail to do so within that time period, the landlord has 24 hours to clear it up. Commissioner Griswell rebutted that if a tenant is evicted, he has a "no care" attitude anyway. Chairman Bray commented that the law allows 48 hours to transpire before personalty is considered abandoned property. Commissioner Griswell asked why the county wanted to go above what the law allows. Mr. Comer said, if the property owner has 48 hours, the landlord has to have some notice time too. He told the Board that it would have the right to change the amount of time the landlord has. Mr. Comer said the 24 hours given to the landlord was a reasonable time. Chairman Bray suggested that the landlord's time be reduced to 12 hours. Mr. Comer agreed to change it.

Commissioner Gray questioned the amount of time the county would have to remove debris. Mr. Comer said

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Refuse Control has assured the county that it will stay on top of the situation and remove the debris immediately.

Vice Chairman Matthews felt the county would end up using forced clean-up because there are numerous evictions. Under the Code Enforcement, there are many places that the county is trying to clean-up. He wanted to know if the Ordinance which addressed this concern could be made better. Mr. Comer said it is a frustrating problem, especially when the property owners are from out-of-state. It is difficult to get them into court because they are usually a "no show." Chairman Bray suggested that the matter be researched to see if some type of condemnation could be inserted in the ordinance. He said most fire incidents are hazards and can be enforced under a code about safety issues, resulting in condemnation. He advised that the county amend the code to ensure that a lien is filed on the property if it has to go in and clean up after notification. Vice Chairman Matthews agreed and said the county needs to move forward to get a stricter ordinance.

Commissioner Gray commented that there have been similar problems in the Cherry Hills Subdivision where most of the owners are not out-of-state. They are local owners who call her on a monthly basis requesting that the county purchase their properties. As of this date, the owners are doing nothing to clean up their properties. Mr. Comer replied this is an enforcement problem, and he would address that issue with the proper authorities. If the owners are local, then that problem should not continue. Commissioner Gray clarified that most of the owners are not in Clayton County. She said they reside in Henry and Fayette counties. The properties, however, are a nuisance to Clayton County. Chairman Bray advised that the ordinance be made more enforceable to ensure quicker action.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2003 -165

AN ORDINANCE TO AMEND CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED,
SPECIFICALLY CHAPTER 82 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” SO AS TO
DELETE ARTICLE V. “DISPOSSESSORIES” AND ADOPT A NEW ARTICLE V.
“DISPOSSESSORIES”
THE PROVISIONS OF WHICH PROVIDE FOR THE INTENT OF THE ORDINANCE, THE TERMS
AND
CONDITIONS UNDER WHICH A CLAIM AGAINST A PROPERTY OWNER WILL BE MADE; TO
REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE
SEVERABILITY;
TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Georgia law provides the methodology for proceeding against tenants holding over,
and under certain circumstances the issuance of writs of possession by the court; and

WHEREAS, in many instances dispossessed tenants fail to remove their personalty from the
premises, and the sheriff in executing the writ of possession is asked to remove the personalty to the
County’s right-of-way; and

WHEREAS, the continuation of personalty on the County’s right-of-way constitutes a traffic
hazard, and otherwise is detrimental to the health, safety, and welfare of the traveling public in Clayton
County.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Article V. "Dispossessories" of Chapter 82 "Streets, Sidewalks and Other Public Places" and in lieu thereof adopt a new Article V "Dispossessories" to read as follows:

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Section 82-91. The intent of the Ordinance.

It is the intent of this Ordinance to promote, protect, and improve the health, safety, and welfare of the traveling public in Clayton County by providing the means by which personalty of dispossessed tenants will be removed from the County's right-of-way if otherwise left thereon for an unreasonable period of time.

Section 82-92. Statement of responsibility.

Upon the receipt of a writ of possession issued by the Court, the owner of the subject real property ("Landlord") against which the writ of possession applies may require the Sheriff to assist in its execution. In addition to placing the Landlord in possession of the premises, the Landlord may require assistance with regard to the removal of the personalty of the dispossessed tenant to the County's right-of-way. In this event, the Landlord shall execute a statement taking responsibility for the cost of removal in the event the tenant fails to remove the personalty from the right-of-way as hereinafter provided. The statement of responsibility shall be in such form as provided by the Clerk of Court and be tendered to the Sheriff with the writ of possession if execution of the writ is desired.

Section 82-93. Removal of personalty.

In the event the personalty of a dispossessed tenant remains on the County's right-of-way for a period in excess of forty-eight (48) hours, such personalty is presumed and considered to be abandoned. Any abandoned personalty left on the right-of-way constitutes a hazard and is deemed to be detrimental to the health, safety, and welfare of the traveling public in the County. Accordingly, the Landlord at his own expense shall cause the personalty to be removed from the County's right-of-way within the next succeeding twelve (12) hours. In the event the Landlord fails to remove the abandoned personalty within the time prescribed, the County may cause such personalty to be removed to the County landfill, and thereafter assert a claim against the Landlord to the extent of moving and disposal expenses. The charge for such removal and disposal shall not be less than \$250.00 nor more than \$500.00. In the further event the Landlord does not satisfy the claim within ten (10) days from the date of billing, a lien may be filed against the real property of the Landlord, and thereafter foreclosed in the same manner as is applicable to special liens on real estate filed by laborers in accordance with Georgia laws.

Section 82-94. Additional remedies.

It is the intent of this Article to provide an additional or supplemental means of obtaining compliance with the removal of personalty of a dispossessed tenant from the County's right-of-way. Nothing contained in this Article shall abrogate the right of a tenant to remove his or her personalty from the County's right-of-way, nor the Landlord's right to remove such tenant's personalty and thereafter proceed against the tenant for the recovery of expenses incurred therefor. Further, nothing contained in this Article shall abrogate the right of the Landlord to recover against a tenant such charges incurred by the Landlord as a result of the County's removal and disposal of the tenant's personalty.

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such

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remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 16th day of December, 2003.

COMMISSIONERS CLAYTON COUNTY BOARD OF

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER,

COMMISSIONER _____

ATTEST:

/s/ SUZANNE BROWN

13. Motion by Commissioner Griswell, second by Vice Chairman Matthews, to approve Resolution

2003-166 authorizing Clayton County to enter into a contract amendment with the Georgia Department of Human Resources, and in accordance therewith acknowledge the deobligation of grant funds (\$93,000.00) previously awarded to be used in connection with transportation services for Clayton County Community Services Authority. Vote unanimous.

Rev. Charles Grant, Executive Director of the Community Services Authority, is aware of this deobligation of funds and understands that it is out of his control.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 166

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A CONTRACT AMENDMENT WITH THE GEORGIA DEPARTMENT OF HUMAN RESOURCES, AND IN ACCORDANCE THEREWITH ACKNOWLEDGE THE DEOBLIGATION OF GRANT FUNDS PREVIOUSLY AWARDED TO BE USED IN CONNECTION WITH TRANSPORTATION SERVICES FOR CLAYTON COUNTY COMMUNITY SERVICES AUTHORITY, INC. (“CSA”); TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACT AMENDMENT, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET TO REFLECT THE REQUIRED APPROPRIATIONS, AND EXPENDITURES AS THEY RELATE TO THE GRANT FUNDS; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Human Resources (“GDHR”) recently awarded the County grant funds in the amount of \$452,000.00 to be used in connection with transportation services for Clayton County Community Services Authority, Inc.; and

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WHEREAS, GDHR has amended its Contract and deobligated grant funds in the amount of \$93,000.00 for said transportation services; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into the Contract Amendment with the Georgia Department of Human Resources for the stated purpose.

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

Section 1. The Board of Commissioners hereby authorizes the County to enter into a Contract Amendment with the Georgia Department of Human Resources, and in accordance therewith acknowledge the deobligation of grant funds in the amount of \$93,000.00 previously awarded to the County to be used in connection with transportation services for Clayton County Community Services Authority, Inc. The Board of Commissioners hereby authorizes the Chairman to execute the Contract Amendment, and to otherwise perform all acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners authorizes the Finance Director to amend the budget to reflect the required appropriations, and expenditures as they relate to the grant funds.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE-CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

14. Motion by Commissioner Griswell, second by Vice Chairman Matthews, to approve Resolution 2003-

167 authorizing Clayton County to enter into an agreement of sale with the Clayton County Tourism Authority providing for terms and conditions under which the county will purchase certain land and recreational facilities, make installment payments of the purchase price, levy such ad valorem tax as may be necessary to produce revenues sufficient to fulfill the county's obligations under the agreement, etc. Vote unanimous.

This is the proposed issuance of \$10,000,000 in revenue bonds, through the Clayton County Tourism Authority, to help finance recreation projects. As a result of an intergovernmental agreement, Mr. Comer stated the monies will be repaid through the SPLOST funds.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 167

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT OF SALE WITH THE CLAYTON COUNTY TOURISM AUTHORITY PROVIDING FOR TERMS AND

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CONDITIONS UNDER WHICH THE COUNTY WILL PURCHASE CERTAIN LAND AND RECREATIONAL FACILITIES, MAKE INSTALLMENT PAYMENTS OF THE PURCHASE PRICE, LEVY SUCH AD VALOREM TAX AS MAY BE NECESSARY TO PRODUCE REVENUES SUFFICIENT TO FULFILL THE COUNTY'S OBLIGATIONS UNDER THE AGREEMENT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, in furtherance of the purposes for which it was created, the Clayton County Tourism Authority (the "Issuer") proposes to issue \$10,000,000 in the original principal amount of its Revenue Bond (Clayton County, Georgia Project), Series 2003 (the "Bond"), in order to finance the costs of acquiring, constructing, reconstructing, equipping, and improving recreational facilities in Clayton County, Georgia (collectively, the "Project"), and to finance related costs; and

WHEREAS, Section 36-34-3 of the Official Code of Georgia Annotated authorizes Clayton County, Georgia (the "Purchaser") to acquire, construct, own, operate, improve, or extend public streets, sidewalks, recreation grounds, buildings for educational purposes, libraries, and buildings used or useful

for public amusement purposes, together with facilities or buildings used for any combination of the above; and

WHEREAS, ArticleIX, SectionIII, ParagraphI of the Constitution of the State of Georgia of 1983 authorizes the Purchaser (1) to contract for any period not exceeding fifty years with any public corporation or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, if such contract deals with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide and (2) in connection with any such contract, to convey any existing facilities or equipment to any public corporation or public authority; and

WHEREAS, the Purchaser proposes to purchase the Project from the Issuer pursuant to an Agreement of Sale (the "Contract"), to be dated as of December 1, 2003, under the terms of which the Purchaser (1) will agree to make installment payments of purchase price to the Issuer in amounts sufficient to enable the Issuer to pay the principal of, premium, if any, and interest on the Bond when due, and (2) will agree to levy an annual ad valorem tax on all taxable property located within the corporate limits of the Purchaser, at such rate or rates, without limitation as to rate or amount, as may be necessary to produce in each year revenues that are sufficient to fulfill the Purchaser's obligations under the Contract; and

WHEREAS, the Issuer will sell the Bond to Wachovia Bank, National Association (the "Bond Buyer") pursuant to a Bond Purchase Agreement, to be dated the date of its execution and delivery, between the Issuer and the Bond Buyer; and

WHEREAS, pursuant to the terms of an Assignment and Security Agreement, to be dated as of December 1, 2003, between the Issuer and the Bond Buyer, the Issuer will pledge the amounts received from the Purchaser under the Contract as security for payment of the Bond; and

WHEREAS, after careful study and investigation, the Purchaser desires to enter into the Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

REGULAR BUSINESS MEETING -- DECEMBER 16, 2003

Section 1. The Board of Commissioners hereby authorizes the County to enter into the Contract with the Issuer. The form, terms, and conditions and the execution, delivery, and performance of the Contract which has been filed with the County are hereby approved and authorized. The Contract shall be

in substantially the form submitted to the Board of Commissioners with such changes, corrections, deletions, insertions, variations, additions, or omissions as may be approved by the Chairman of the Board of Commissioners, whose approval thereof shall be conclusively evidenced by the execution of the Contract.

Section 2. The Chairman of the Board of Commissioners is hereby authorized and directed to execute on behalf of the County the Contract, and the Clerk of the Board of Commissioners is hereby authorized and directed to affix thereto and attest the seal of the County, upon proper execution and delivery of the Issuer, provided, that in no event shall any such attestation or affixation of the seal of the County be required as a prerequisite to the effectiveness thereof, and the Chairman of the Board of Commissioners and Clerk of the Board of Commissioners are authorized and directed to deliver the Contract on behalf of the County to the Authority, and to execute and deliver all such other contracts, instruments, documents, affidavits, or certificates and to do and perform all such things and acts as each shall deem necessary or appropriate in furtherance of the issuance of the Bond and the carrying out of the transactions authorized by this Resolution or contemplated by the instruments and documents referred to in this Resolution.

Section 3. This Resolution and the Contract, as approved by this Resolution, which is hereby incorporated in this Resolution by this reference thereto, shall be placed on file at the office of the County and made available for public inspection by any interested party immediately following the passage and approval of this Resolution.

Section 4. This Resolution will be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

COMMISSIONERS
CLAYTON COUNTY BOARD OF

CHAIRMAN
MATTHEWS, VICE-CHAIRMAN

/s/ C. CRANDLE BRAY,

/s/ GERALD A.

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

15. Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve Ordinance

2003-168 to amend the Clayton County Civil Service Rules and Regulations, as amended, specifically Rule 3.110 "Political Activity" so as to provide for certain rights, privileges and prohibitions relating to classified employees' participation in political activities; to readopt all Clayton County Civil Service Rules and Regulations, as amended; to amend the Code of Ordinances of Clayton County, as amended, specifically Chapter 70 "Personnel" so as to add a new Article VIII. "Political Activities" to Chapter 70 "Personnel" providing for certain rights, privileges and prohibitions relating to county employees' participation in political activities, to repeal conflicting laws, ordinances, resolutions, etc. Once employees qualify for a county level political office in 2004, they will have to have approval from the Board for a leave of absence or they will have to quit or be terminated. After 2004, all county employees will be prohibited from engaging in political activity. Vote unanimous.

Per Mr. Comer, the previous political activity section was under the Civil Service Rules and Regulations. This new amendment will be applicable to classified and unclassified (non-civil service) employees. He referenced a copy of the version that dealt with the strongest prohibitions; i.e., eliminates ability to run for county level positions (Probate Judge, Clerk of the Court, Tax Commissioner, Sheriff, and the Board of Commissioners). Although other political activities are prohibited, Mr. Comer was concerned that the ordinance should withstand scrutiny. He also referenced another ordinance he had drafted that included a section on eliminating political influence (page 8). Mr. Comer stressed that this section was extremely important because it prohibits one

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employee from coercing/unduly influencing another employee in the area of political activity. On page 9, the rights and privileges to participate in political activity are outlined (provided the employee does not run on county time), just as those afforded to ordinary citizens. He eliminated the "Prohibited Activities" section (on page 10) with the exception of running for office. Mr. Comer explained that the courts review each of the prohibitions very carefully to determine if there is a public interest in prohibiting employees from conducting these activities. He said the strongest ordinance the Board can adopt would prohibit political influence but still allow the employee to conduct normal political activities provided they are not on the county's time. According to Mr. Comer, this would be a managerial decision. For example, part-time workers should not work in relation to that part-time job on the county's time or involve themselves in political activity on county time. He recommended the elimination of the "Prohibited Activities" section, with the exception of running for office. He suggested that if the Board wanted a broader political activity ordinance, the existing one would suffice but he did not feel confident in the ability to uphold it. The existing ordinance prohibits people from putting signs out in their yard and from making monetary contributions to candidates. Those are rights that are typically given to ordinary citizens, and prohibiting employees from having those rights may make it suspect to the courts. Mr. Comer emphasized that the amended ordinance outlines that employees cannot run for public office as long as it is a county level position after the 2004 election. Presently, employees can run for public office provided they have requested a leave of absence. Although the department head or the elected official will make a recommendation in such cases, the Board makes the ultimate decision on granting the leave of absence when employees appear before it with a leave application.

Commissioner Rhodenizer understood that, if this ordinance is adopted, the county would move beyond the current election that has already begun. Mr. Comer responded that this was correct.

Commissioner Griswell wanted to know the time period given to employees who wish to engage in political activity. Mr. Comer said that was a difficult question, but the ordinance addresses the date of qualifying and it is the most defensible point. If the Board wanted to prohibit political activity before that time, he recommended that it be as soon as an employee forms a political action committee. Mr. Comer stated his level of confidence would drop drastically if that were the case, but the time the employee qualifies is a good starting point. Commissioner Griswell rebutted that he had a two-fold problem with the time period and it would end up being tested. It did not matter if the time period were the date of qualifying or creating a political action committee. If a person worked in a higher level of government for the county and wanted to run for an elected county office, other employees would become hesitant because this person could become their supervisor. He suggested that the time the political action committee is formed should be a determining point for the Board to make a decision about granting a leave of absence. Commissioner Griswell added there should be no lingering time because it affects too many people.

Chairman Bray said the only problem he has with the time period being the onset of creating a political action committee is that it would have a retroactive effect. Mr. Comer agreed and stated that the ordinance would be more vulnerable with that inclusion. He pointed out that some employees have already formed a political action committee and, as soon as this ordinance is passed, they will apply for a leave of absence and be granted one between now and the election or they will have to discontinue employment with the county. Commissioner Griswell rebutted that this is the purpose of the ordinance and, if it shortfalls, the Board will have to come up with an alternative. He personally believed that whatever the ordinance prohibited would be challenged. For the sake of county employees, however, Commissioner Griswell believed the Board should make the ultimate decision (not the department heads) about granting a leave of absence.

Commissioner Gray asked Mr. Comer to explain the legal ramifications of this ordinance. Mr. Comer replied that any time a person's rights are limited, there are always constitutional and legal consequences. When a person's rights are broadened, however, there is more of a chance for them to be upheld. This ordinance is stating that employees cannot perform these activities but they will be labeled as political participants at the date of qualifying. If a political action committee is used as the defining point, that limits the employees' rights and makes it difficult for them to pursue political activities. Since those rights are being limited, the courts will scrutinize even more so. The broader the ordinance is, the more likely it will withstand court scrutiny. He understood that the Board wanted an ordinance that would withstand such scrutiny and that is difficult to do because one can never predict what the courts will do. He empathized with Commissioner Griswell's concerns that if the intent is to prohibit the activity, it would probably need to be prohibited when someone forms a political activity committee. That would be more difficult to uphold, however, than if the activity were prohibited at the start of qualifying.

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Vice Chairman Matthews questioned the effect of this ordinance on a recent case in which a department head refused to grant a leave of absence to an employee and the Civil Service Board ruled against it. He wanted to know if the employee would come back to the Board for an ultimate decision. Mr. Comer said yes, this ordinance creates an exception dealing with a leave of absence from what the Civil Services Rules allow now. An employee must come before the Board for approval if he wants a leave of

absence to engage in political activity due to the sensitivity of the issue. For other purposes, however, the employee must go through the Civil Service Board for approval of a leave of absence. Authority is taken away from the department head/elected official and the Civil Service Board to grant a leave of absence in the case of political activity. Commissioner Gray asked if the department head could still make a recommendation in a political activity case. Mr. Comer said yes, but the authority to grant the leave of absence has been taken away.

Chairman Bray commented that the perception of a county employee running for an office can be negative and create more issues. The rules are in place already for political activity and they have not changed. Any involvement in political activity on county time is not tolerated and termination will result. He believed this is a "transition" ordinance because there is a rule and a legal opinion outside of the county that says the date of qualifying is the kicker on the existing ordinance. Chairman Bray said he was concerned about retroactive application of an existing ordinance. He stressed that this is a one year ordinance transitioned to 2004. After 2004, these issues will not exist because there will be no leave of absence for anyone who wishes to run for a county level position. The employee will be terminated or he will quit his job to run or decide not to run. Chairman Bray said the county is trying to move from an old system that is in question to a new system that will put the Board into a tribunal for leave of absence requests. He did not object to that and believed in either leaving the ordinance as it is or adopting the transition. If the Board tried to doctor that transition, however, it will get rid of what exists, go to a system that does not exist, and have to make changes in 2005. This is a sensitive subject, and Chairman Bray said most counties across the country do not tolerate political activity. Even the federal government does not allow partisan election activities. He stated Clayton County has set on its laurels and he would take the blame for it. Per Chairman Bray, the county needs to establish some creative words concerning political activity.

Commissioner Rhodenizer asked Chairman Bray what he questioned about the ordinance. Chairman Bray said he would be willing to accept the draft Mr. Comer wrote and wrestle with the issue of granting a leave of absence. This is just a transition order to get through the issue. He believed there was a likelihood of getting into retroactive application if the Board continued to argue about an effective date.

Commissioner Rhodenizer asked if the creation of a political action committee would be recorded in the Probate Court. Commissioner Griswell said he thought that was done when the committee was ready to receive contributions. Personally, he felt that gave employees the judgment of when they want to create this situation. Commissioner Griswell stated he knew of nothing in the law which says when a bank account can be created to receive contributions. It just says before an employee receives funds, he has to create a bank account. A bank account does not have to be created until the employee qualifies to run for office.

Commissioner Rhodenizer said he was concerned that a good employee may wish to run for political office and would have to terminate his employment in order to do so in a prior year (before the election). This would place a terrible financial burden on him and his family. He would just not have a job and become a full-time politician. Chairman Bray agreed that politics places a financial burden on anyone.

Vice Chairman Matthews suggested that the ordinance be left as it is. If someone runs for political office next year (probably around April 2004), then he will have to decide if he wants to work for the county (should he not be granted a leave of absence) or go without a county paycheck until he gets his job back (if that is possible). Commissioner Rhodenizer agreed that the ordinance should be approved as presented. Commissioner Griswell questioned what was presented. Mr. Comer suggested that the Board first eliminate

the “political activity section” with the exception of running for office. The ordinance would then contain the provision that a leave of absence is not required to be granted. An employee must still come before the Board for approval, however, and the operative date will be the date of qualifying.

Vice Chairman Matthews understood that, on the first day an employee qualifies in 2004, the Board will not grant a leave of absence until he is gone. Mr. Comer said the employee must make a decision to resign or be terminated. Currently, Chairman Bray said this ordinance gives the employee an option for a leave of absence if the Board grants it (now through 2004). If the Board does not grant a leave of absence, then the employee

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must make a decision to work or not work for the county. He explained that after 2004 there is no option for a leave of absence because political activity will be prohibited. Most ordinances he had seen in other counties explicitly stated that political activity is prohibited in their jurisdictions (provided a person is a county/civil service employee).

Commissioner Griswell wanted to know what protection the county has pertaining to this issue from now until

the date of qualifying. Chairman Bray replied that many rules are already in place that will not change but, if an employee is caught engaging in political activity on county time, that will result in his automatic termination. Commissioner Griswell rebutted that this is being done and no one is enforcing it. Chairman Bray said department heads will have to be stricter and catch these employees. Mr. Comer said the information on page 7 under “Political Influence Prohibited” outlines what the employee cannot do, regardless of whether or not the Board grants him a leave of absence between now and the date of qualifying. The employee cannot influence another employee, use authority to interfere with the results of an election, or directly/indirectly coerce another employee to pay, lend, or contribute anything to a political activity. Per Mr. Comer, strong language (pertaining to prohibitions) is already in place for employees between now and the time of qualifying.

Commissioner Griswell said he was not resigned to the time of qualifying as being the date the political activity committee is opened, but he was tired of commissioners sitting on their haunches and allowing department heads to “take the heat” for something the Board should be regulating. Mr. Comer responded that this ordinance will undoubtedly put the burden on the Board. Chairman Bray added that the rule has been in place for awhile now which stipulates that granting a leave of absence to a person who wishes to engage in political activity is up to the department head and, should satisfaction not be given at that level, the request will proceed to the Civil Service Board. He explained that this ordinance is just substituting the Board of Commissioners for the Civil Service Board now. Mr. Comer said the ordinance is also being expanded to include not only civil service employees but unclassified employees as well.

Commissioner Rhodenizer wanted clarification on adopting the ordinance as presented. He asked Mr. Comer if the ordinance would affect a current election in mid-stream or employees who have already

announced their candidacy. Mr. Comer said no, it will not (with the exception of April 2004). Chairman Bray said when the employee qualifies in April 2004, the Board will be giving him an option he does not have now. Mr. Comer agreed and explained that the current law does not allow political activity. This ordinance, however, allows employees a leave of absence to pursue political activity (an option they do not presently have). Vice Chairman Matthews rebutted that this has never been enforced. Chairman Bray responded that this has been a questionable issue. Commissioner Griswell stated that the entire Board knew that political activity has been going on during county time; i.e., using county car phones while driving county vehicles, and he stressed that it needs to be stopped. If employees are caught doing this on county time, Chairman Bray said he expects department heads to take immediate appropriate action.

Chairman Bray said a motion had already been made to adopt this ordinance, and he asked for a second on it. Vice Chairman Matthews seconded the motion with the stipulation that once employees qualify for a county level political office, they must seek approval from the Board for a leave of absence or they will have to quit their county employment. Mr. Comer agreed and said this is how the ordinance is worded.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2003 - 168

AN ORDINANCE TO AMEND THE CLAYTON COUNTY CIVIL SERVICE RULES AND

REGULATIONS, AS AMENDED, SPECIFICALLY RULE 3.110 "POLITICAL ACTIVITY" SO AS TO

PROVIDE FOR CERTAIN RIGHTS, PRIVILEGES AND PROHIBITIONS RELATING TO CLASSIFIED

EMPLOYEES' PARTICIPATION IN POLITICAL ACTIVITIES; TO READOPT ALL CLAYTON COUNTY

CIVIL SERVICE RULES AND REGULATIONS, AS AMENDED; TO AMEND THE CODE OF

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ORDINANCES OF CLAYTON COUNTY, AS AMENDED, SPECIFICALLY CHAPTER 70
“PERSONNEL”

SO AS TO ADD A NEW ARTICLE VIII “POLITICAL ACTIVITIES” TO CHAPTER 70 “PERSONNEL”

PROVIDING FOR CERTAIN RIGHTS, PRIVILEGES AND PROHIBITIONS RELATING TO
COUNTY

EMPLOYEES’ PARTICIPATION IN POLITICAL ACTIVITIES; TO REPEAL CONFLICTING LAWS,

ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS; TO PROVIDE FOR
SEVERABILITY;

TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

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

Section 1. The Clayton County Civil Service Rules and Regulations, as amended, are hereby further amended by deleting Rule 3.110 “Political Activity” in its entirety and in lieu thereof adopting a new Rule 3.110 to read as follows:

Rule 3.110 Political Activity.

Rule 3.110.1 Declaration, purposes, and intent.

It is essential to the proper government and administration of the County that classified employees covered by these Rules give the appearance of being independent and impartial with respect to political activities, and that there be public confidence in such employees’ neutrality and integrity. The attainment of one or more of these ends is impaired whenever there exists, or appears to exist, a conflict between the private political interests of classified employees and the public responsibilities such employees possess. Therefore, the public welfare requires that the County protect against such conflicts of interest by establishing appropriate privileges and prohibitions with respect to the conduct of political activities. It is

A classified employee may exercise his or her right as a citizen privately to express his or her opinion, cast his or her vote, and participate in certain political activities except as otherwise prohibited in these Rules. Specifically, such employee may do any or all of the following:

- (1) Run for and, if elected, hold a non-County public office;
- (2) Actively support a candidate seeking a public office by contributing momentarily to a candidate's campaign, speaking on behalf of the candidate, passing out campaign literature, and displaying a candidate's political signs;
- (3) Be a member of a political entity and participate in its activities to the extent not otherwise prohibited by these Rules, any state, federal, or other local laws.
- (4) Attend a political convention, rally, fund-raising function or other political gathering;
- (5) Sign a political petition as an individual;
- (6) Make a financial contribution to a political entity;
- (7) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a governmental ordinance or any other question or issue of a similar character;
- (8) Serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by state or local law; and
- (9) Otherwise participate fully in public affairs in a manner which does not materially compromise his or her efficiency or integrity as an employee of Clayton County or the neutrality, efficiency or integrity of the County government to which he or she serves.

Provided, however, the activities above stated must not be conducted during working hours, and the employee must not represent himself or herself as an employee of Clayton County. Furthermore, at no time shall an employee in support of a candidate seeking any political office engage in activity that would bring his or her employment with Clayton County into disrepute.

Rule 3.110.4 Political influence, prohibited.

No classified employee of the County, by such employee's conduct, shall do any of the following:

- (1) Give reasonable basis for the impression that any such person can improperly influence another employee of the County government, or unduly benefit from such employee's favor by such improper influence with respect to political activities;
- (2) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for any public office; or
- (3) Directly or indirectly coerce, attempt to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Rule 3.110.5 Political activities, prohibited.

to not unreasonably frustrate or impede the desire or inclination of those who may want to seek public office or support those seeking public office. To that end, employees noted in this Article should not, except as otherwise provided herein, be denied the opportunities available to all other citizens with respect to the participation in political activities. The policy and purpose of this Article therefore is to make certain those privileges and prohibitions with respect to political activities shall comport with the objective of protecting the integrity of County government, and to prescribe only such essential restrictions as will not impose barriers repugnant to conscientious public service.

Sec. 70-261. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) “County elective office” means the following offices held by an elected official serving the citizens of Clayton County as a part of local government: board of commissioners, judge of the superior court, judge of the state court, judge of the probate court, judge of the magistrate court, district attorney, solicitor general, sheriff, clerk of the superior court, and tax commissioner.

(2) “Contribution” means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one party to another, including in

cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise.

(3) “Employee” means a person who occupies a unclassified position in County government either under the jurisdiction and supervision of the Board of Commissioners or an elected official of Clayton County, other than an individual holding a County elective office.

(4) “Political entity” means any party, group, committee, organization, or other association that is formed for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other candidate, party, group, committee, organization, or other association.

(5) “Non-County public office” means every federal, state, county and municipal office to which a person can be elected by a vote of the electors under the laws of the State of Georgia, other than a County elective office.

Sec. 70-262. Rights and Privileges.

An employee may exercise his or her right as a citizen privately to express his or her opinion and cast his or her vote as an elector under the laws of the State of Georgia. Additionally, an employee may do any or all of the following:

(1) Run for and, if elected, hold a non-County public office.

(2) Actively support a candidate seeking a public office by contributing momentarily to the candidate’s campaign, speaking on behalf of the candidate, passing out campaign literature, and displaying a candidate’s political signs.

(3) Be a member of a political entity and participate in its activities to the extent not otherwise prohibited by this Article, any state, federal, or other local laws.

(4) Attend a political convention, rally, fund-raising function or other political gathering.

(5) Sign a political petition as an individual.

(6) Make a financial contribution to a political entity.

(7) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a governmental ordinance or any

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other question or issue of a similar character.

(8) Serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by state or local law.

(9) Otherwise participate fully in public affairs in a manner which does not materially compromise his or her efficiency or integrity as an employee of Clayton County or the neutrality, efficiency or integrity of the County government to which he or she serves.

Provided, however, the activities above stated must not be conducted during working hours, and the employee must not represent himself or herself as an employee of Clayton County. Furthermore, at no time shall an employee, in support of a candidate seeking any political office, engage in activity that would bring his or her employment with Clayton County into disrepute.

Sec. 70-263. Political influence, prohibited.

No employee of the County, by such employee's conduct, shall do any of the following:

(1) Give reasonable basis for the impression that any such person can improperly influence another employee of the County government, or unduly benefit from such employee's favor by such improper influence with respect to political activities;

(2) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for any public office; or

(3) Directly or indirectly coerce, attempt to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; give reasonable basis for the impression that any such person can improperly influence another employee

of the County government, or unduly benefit from such employee's favor by such improper influence with respect to political activities.

Sec. 70-264. Political activities, prohibited.

An employee shall not become a candidate for a County elective office.

Sec. 70-265. Violation.

If a violation by a unclassified employee of any provision of this Article is alleged to exist, a complaint may be filed with the Director of Personnel to Board of Commissioners. If the Board of Commissioners finds, following an investigation by the Personnel Department, that probable cause exists to believe a violation has occurred, the Board of Commissioners shall set the matter down for a hearing at its next regularly scheduled hearing date, and all interested parties (specifically to include the complainant and accused violator) shall be notified accordingly. A hearing shall be conducted in a manner consistent and in accordance with provisions contained in Rule 11 "Appeals and Employee Grievances." In the event the Board of Commissioners, after hearing, determines that a violation has occurred, the employee, through his or her elected official or department director, shall be directed to immediately discontinue the prohibited activity or be subject to suspension, dismissal from the County's employment or such other disciplinary action as the Board of Commissioners may recommend under the circumstances.

Section 4. Notwithstanding the provisions of Rule 3.110 of the Civil Service Rules and Regulations, and Article VIII. of Chapter 70 to the contrary, an employee may seek and, if elected, hold a County elective office provided such employee applies for and is granted a leave of absence by the Board of Commissioners. A leave of absence must be granted no later than the date of qualifying by such employee for the public office sought. In considering whether to recommend a leave of absence to the Board of Commissioners, the elected official or Department Director having supervision over the employee shall determine if the granting of the leave of absence materially compromises his or her efficiency or integrity as an employee of Clayton County or would bring the employee's employment with Clayton County into disrepute. Considerations for recommending the leave of absence shall also include the degree of hardship the office or department will suffer from the absence of the requesting employee.

The privilege to seek public office and apply for a leave of absence to pursue a County elective office shall only be allowed through the general election, and any runoff if necessary, taking place in November of 2004. After such date, all provisions of Rule 3.110 and Article VIII. above written will be strictly enforced without exception.

Section 5. All ordinances, resolutions, rules and regulations, or parts thereof, which conflict

with the provisions of this Ordinance are hereby repealed.

Section 6. It is declared to be the intention of the Board of Commissioners that all sections and paragraphs of this Ordinance are or were, upon their enactment, believed to be fully valid, enforceable and constitutional. To the greatest extent allowed by law, each and every section and paragraph therein is severable

from the other. In the event that any portion of this Ordinance shall be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express

intent of the Board of Commissioners that the remaining portions of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. This Ordinance shall be effective on the date of its approval by the Board of Commissioners.

SO ORDAINED, this 16th day of December, 2003.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C.
CRANDLE BRAY,
CHAIRMAN

/s/
GERALD A.
MATTHEWS, VICE-
CHAIRMAN

/s/
VIRGINIA BURTON
GRAY,
COMMISSIONER

/s/ J. CHARLEY
GRISWELL,
COMMISSIONER

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Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

COMMISSIONERS

CLAYTON COUNTY BOARD OF

/s/ C. CRANDLE BRAY,

CHAIRMAN

/s/

GERALD A. MATTHEWS, VICE

CHAIRMAN

/s/

VIRGINIA BURTON GRAY,

COMMISSIONER

/s/ J.

CHARLEY GRISWELL,

COMMISSIONER

/s/

CARL RHODENIZER,

COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

17. Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve Resolution 2003-170 acknowledging the benefits to Clayton County and the whole metropolitan area of Atlanta of the proposed commuter rail line between Atlanta and Lovejoy, endorsing the proposed plan to open said commuter rail line by mid-2006, and providing for the dedication of support and collateral economic development for system implementation. Vote unanimous.

Chairman Bray said Harold Linnenkohl, Commissioner of Transportation & Development, has submitted a plan to Governor Perdue to add a commuter rail line amounting to \$106,000,000 from the City of Lovejoy to Atlanta. This resolution just states that the Board endorses the concept of purchasing/leasing the rail line. According to Chairman Bray, the Georgia DOT has taken a "bold step" forward to implement the rail line. In federal funds, \$80,000,000+ has already been allocated for this plan and those

monies will be lost if they are not utilized. This resolution affirms the support of the Board and urges the Governor to adopt it as a part of his plan.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2003 - 170

A RESOLUTION ACKNOWLEDGING THE BENEFITS TO CLAYTON COUNTY AND THE WHOLE METROPOLITAN AREA OF ATLANTA OF THE PROPOSED COMMUTER RAIL LINE BETWEEN ATLANTA AND LOVEJOY, ENDORSING THE PROPOSED PLAN TO OPEN SAID COMMUTER RAIL LINE BY MID-2006, AND PROVIDING FOR THE DEDICATION OF SUPPORT AND COLLATERAL ECONOMIC DEVELOPMENT FOR SYSTEM IMPLEMENTATION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Commissioners acknowledges that traffic congestion, deteriorated air quality, and public mobility are current and growing concerns for the residents and visitors to Clayton County and the whole metropolitan area of Atlanta; and

WHEREAS, within the past month the state Transportation Department has asked the Governor to approve a \$106 million plan to open said commuter rail line by the middle of 2006; and

WHEREAS, it appears that the state Transportation Department has stated that it has sufficient state and federal funds on hand to buy refurbished trains, upgrade and lay track, and build

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platforms and that there is money in state roadway funds available to use to build park-and-ride lots and install crossing signals; and

WHEREAS, the proposed commuter rail line linking Atlanta and Lovejoy, when implemented, will significantly contribute to the mitigation of the traffic, air quality, and mobility concerns; and

WHEREAS, the introduction of such a commuter rail line can materially contribute to the economic growth of Clayton County through increased jobs, economic redevelopment, and new industry;

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

That the Clayton County Board of Commissioners:

1. Endorses and actively supports the plan to implement a commuter rail line linking Atlanta and Lovejoy.

2. Agrees to commit Clayton County's scarce resources, as available, to provide assistance to the project sponsors in identifying and achieving commitment from available sources for the following:

(a) Community awareness, understanding and support for the project;

(b) Commercial endorsement of the project and willingness to commit those resources to the project's success;

(c) Incentive and opportunity for economic development and redevelopment around project facilities in Clayton County for the mutual benefit of Clayton County and the project.

3. Agrees to incorporate the proposed system into both the Transportation and Land Use elements of the County's Comprehensive Plan to provide mutual benefit.

This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 16th day of December, 2003.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ GERALD A. MATTHEWS, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

18. Motion by Vice Chairman Matthews, second by Commissioner Rhodenizer, to approve an Order for Remission, from Free At Last Bail Bonds, for \$1,425.00. Vote unanimous.

19. Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve CH₂M

Hill/Carter Goble Lee Companies as the SPLOST Program Manager and Carter Goble Lee's continued work on the county's youth centers at 2.7% of the project cost. Vote unanimous.

Wayne Patterson, Director of Transportation & Development, requested that the Board approve the team consisting of CH₂M Hill/Carter Goble Lee Companies to provide the county's program management and CEI services for upcoming SPLOST projects. He explained that the process had involved inviting previously reviewed companies to present proposals regarding service costs. Mr. Patterson referenced pg. 2 of a SPLOST book that showed the breakdown each company provided. It demonstrated that CH₂M Hill/Carter Goble Lee Companies presented the lowest cost (4.72 percent) to the county, and Mr. Patterson felt this team would do a great job in providing the required services. He asked the Board to approve this team today so that the county

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will be ready to proceed with projects once the SPLOST monies start coming in.

Vice Chairman Matthews questioned the company which presented a service cost of 17.6 percent. Mr. Patterson said the company's name is Parson Brinckerhoff & Associates, a reputable international firm. He did not know why this company quoted such a high price. Mr. Patterson pointed out that the rest of the firms ranged from 4.72 to 6.94 percent, and this range reflected the current market cost. The county will fortunately save 2%, based on that range, by approving/accepting the combination team of CH₂M Hill/Carter Goble Lee Companies.

Chairman Bray understood that Carter Goble Lee would continue doing work on the county's youth centers for 2.7%, if the county approves this team. Mr. Patterson said yes, Goble Lee's proposal stated it would continue to provide the PM services for the \$40 million Recreational Projects for 2.7% of the project cost. That cost is consistent with the company's on-going work with the county. Mr. Patterson said he did not make a recommendation on this issue because he was not familiar with it. Chairman Bray emphasized he just did not want Carter Goble Lee to lock the county into a 4% project cost on the recreation centers.

Commissioner Griswell questioned the length of the approval period for this combination team. Chairman Bray said it would be seven (7) to eight (8) years for construction build-out of all SPLOST projects. Commissioner Griswell asked if there would be an escape clause. Chairman Bray said yes, at some point in time an escape clause has to be addressed. Commissioner Griswell commented that the Board is voting today for eight (8) years of service, but a contract has to be drawn up. Chairman Bray said yes, the county will be locked into the programming because that is something that will be done in a year. There can be an escape clause under construction management in the contract. If the county has not started a project and decides to make a change, a firm can be fired and another one can be hired. Commissioner Griswell asked if that would apply to each individual project. Chairman Bray replied yes, that would apply to the projects thereafter. He advised that there be an amendment in the Board's motion that Carter Goble Lee's contract should include the youth centers at 2.7% of the project cost. Vice Chairman Matthews said he had no problem with doing that. Chairman Bray explained that two (2) youth centers would result from the Board's action today, and he wanted to get started on those projects immediately.

Commissioner Gray stressed the need for minority participation in these projects which, so far, the county has not received. She wanted some type of guarantee that the county is going to exceed what has been

reached in previous projects. Per Commissioner Gray, the county needs some guarantees built in that there will be minority participation. In her last request, she said that does not just apply to “mixing cement” because the county needs persons in management and other key positions (not just laborers).

Mr. Patterson said the county invited seven (7) firms in their selection process and one of them was B & E Jackson, a minority firm. This firm chose not to bid on the project management services because it wanted to bid later on the design and engineering work. Commissioner Gray said she understood that, but she did not want the county to keep picking a token minority firm in the process. She emphasized that the county needs “full participation.” Chairman Bray said the problem has been finding qualified firms. The county has taken 13 minority firms from the State’s list that actually design and build projects. He assured Commissioner Gray that every county project that goes out will be sent to those firms. It has been difficult, however, to get those firms to bid on such projects. Commissioner Gray said she continuously receives calls from minority firms that say they do not go through the county’s bid process because they know they will not be selected. She stated that all she needed to know is that bids are going out to several minority firms, and she can tell those firms that the county expects them to respond since they asked to participate. Mr. Patterson said the county is qualifying now, and he had given the Board a list of firms that have provided information. He has asked for the Board’s input and, to this date, has not received any. Mr. Patterson welcomed any input from the commissioners, but he explained that firms were not selected if his department felt they were unqualified (based on state and county rules). He asked Commissioner Gray if she still wanted those minority firms to be placed on the list. Commissioner Gray said no, the county needs qualified firms and she would not want otherwise.

Chairman Bray said the program manager is now going to proceed to hire out some design projects. He asked Mr. Patterson to notify Commissioner Gray when the RFP’s for design will go out so that she can contact the minority firms. Those firms can then tell Commissioner Gray if they do not want the job or they can submit a proposal.

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Over a month ago, Mr. Patterson said he submitted a concept that will benefit everyone in this process. On each project, three (3) engineering firms will be identified. When one is selected for the project, the remaining two (2) will drop down to the next project and continue that process. He felt that was the best way to ensure that more firms will have an opportunity to receive some work in the county. Ultimately, his department would have to have the support of Central Services and the Board in order to do that.

Chairman Bray asked Mr. Patterson to compile a list and see what kind of proposals will be submitted in the design process.

Commissioner Griswell said he wanted to see the contract before Chairman Bray signed it. Chairman Bray agreed to let him review the contract.

20. Motion by Commissioner Rhodenizer, second by Vice Chairman Matthews, to approve a street name change for a portion of Attucks Boulevard (south of Rex Road) to **Lillian Lane**. Vote unanimous.

21. Motion by Chairman Bray, second by Vice Chairman Matthews, to approve the reappointment of

ATTEST:

/s/ SUZANNE BROWN