

March 20, 2007

**REGULAR BUSINESS MEETING - MARCH 20, 2007**

PRESENT: Chairman Eldrin Bell, Vice Chairman Sonna Singleton, Commissioner Virginia Burton Gray, Commissioner Wole Ralph, Commissioner Michael Edmondson, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.

Invocation led by Chaplain Jeraline Reynolds of the Clayton County Jail. Pledge of allegiance to the flag led by Chairman Bell.

Chairman Bell noted that the proper flag was missing in the Boardroom. He asked everyone to be patient while someone obtained it. Once the flag was in place, everyone did the pledge of allegiance to the flag again.

(NOTE: At this time in the meeting, Chairman Bell called on Renee Bright to confer with her on the selection of the Police Chief.)

3. Motion by Vice Chairman Singleton, second by Commissioner Ralph, to amend the agenda to add Resolution 2007-32 (A resolution by the Clayton County Board of Commissioners authorizing the Clayton County Planning and Zoning Department to establish new fees) and to include the selection of a Police Chief. Vote unanimous.

4. Motion by Commissioner Ralph, second by Chairman Bell, to approve the minutes of the Regular Business Meeting of March 6, 2007. Vote 4-0-1. Commissioner Gray abstained due to absence.

4a. PRESENTATION: Recognition of the Azalea City Chapter of the Links for its charitable donation of \$50,000.00 to the Kinship Care Grandparents raising Grandchildren program. (NOTE: A group photo was taken with the Grandparents of Kinship Care and the Board of Commissioners.)

Chairman Bell recognized Commissioner Edmondson's nephews, Will and Alex Arcara, who were visiting from North Carolina.

5. PRESENTATION: Public Safety (Chief Alex Cohilas, Fire Department)

Chief Cohilas thanked the Board for the opportunity to present the Fire Department's 2006 Annual Report which gives a synoptical overview of the Fire Department's accomplishments this year. The presentation was designed to make the Board aware of certain stresses and strains Emergency Services experienced resulting from recent county growth, and it was a natural segway from his previous presentation on impact fees and growth. Despite the explosive growth in this county which has generated an undeniable increase in the demand of services, the Fire Fighters, EMT's, and Paramedics continue to provide the very best emergency medical services to Clayton County citizens with the utmost care and compassion.

From 2000 - 2005, the State of Georgia has experienced a 9% increase in population, however, during the same time period, Clayton County experienced a \$13% increase in population, while Clayton County experienced a 13% increase in population. That translates into a call volume of 18% in this five (5) year period. Chief Cohilas said he highlighted this aspect to show what has happened regarding response time and the importance of response time to emergency medical services. The American Heart Association's

statistics depict that a heart attack victim's chance of survival is reduced by 10% for every minute that passes without treatment. In cities where defibrillation is provided within five (5) to seven (7) minutes, the survival rate from a cardiac arrest increases to as high as 49%. It has been estimated that more than 95% of cardiac arrest victims die before reaching the hospital and few resuscitation attempts succeed after ten (10) minutes have elapsed. Chief Cohilas pointed out that heart attacks accounted for over 400,000 deaths in the United States in the year 2000, which is one (1) out of every five (5) deaths. Approximately 1.2 million people suffer new and recurring heart attacks per year; 38% of those people who experience a heart attack die and that amounts to almost 4 out of 10. Clayton County Fire Rescue statistics showed that last year over 1,100 patients with chest pains were transported and many of them were having heart attacks, 221 were in cardiac arrest, and over 1,400 were in severe respiratory distress; these were all significant instances.

Chief Cohilas referenced a slide projection of the current thirteen (13) stations that denoted the ones highlighted in blue were stations with Ambulances (ALS Transport Units). He also indicated that four (4) stations do not have ambulances and the new station (#14) is going out for bid in the budget. Last year, the Fire Department

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handled over 18,000 medical responses and this constitutes 72% of the Fire Department's overall call volume. Med Unit #4, located on East Fayetteville Road, is the busiest ambulance in Clayton County. It ran approximately 3,000 calls last year, which is an extraordinary number. According to Chief Cohilas, an interesting statistic that the Fire Department tracks very carefully is the percentage of time that a med unit spends handling calls out of its first-in emergency response area due to running backup calls in some of the busier areas. Some of these stations are handling calls out of their first-in response area approximately 50% or more over the time, which attests to the saturation of the county's EMS System. EMS saturation has been one of the major negative impacts of growth that this county has had, and it has overtaxed the county's EMS system. He explained that unit saturation is the number of times that there are no remaining units available for calls. Chief Cohilas showed a photograph of five (5) ambulances at Southern Regional Hospital that had all unloaded patients and there was no telling where the others were located. They could have been at South Fulton Hospital, Grady Hospital, or other facilities. He said the important fact is that Clayton County EMS was saturated 15.5 times a month, which is a significant amount of time and one that caused him great concern.

Chief Cohilas next showed a slide projection of the response times per district. He pointed out that Clayton County was broken down into five (5) fire districts. Commissioner Gray's district was Fire District #13, consisting of the Northwest Riverdale, College Park area which showed 9,800 rescue calls transporting 6,000 patients from that area; 2,300 with advanced medical care. Additionally, the number of cardiac/respiratory arrests, shootings, stabbings, and vehicle accidents with injuries that required extrication accounted for up to two (2) ambulances, an engine company, and a ladder truck with the jaws of life being tied up. This is particularly a sad case, but it speaks for population density and traffic in the area. Twenty-seven (27) people were hit by automobiles and, unfortunately, many were children. The correlation of air transports to persons hit by automobiles is directly related. Many of those hit by automobiles were children who had to be flown to Henrietta Egleston or Scottish Rite Children's Hospital. Chief Cohilas noted that these were significant statistics. There were 5,100 calls in Commissioner Singleton's district with over 60% of the patients being transported; 3,100 were stabbings, shootings, and extrications. Whenever EMS has serious calls like stabbings, shootings, extrications, and people being struck by automobiles, these are time-labor-intensive-serious advanced life support calls in addition to the serious medical calls like cardiac respiratory or arrest. Commissioner Ralph's district (Fire District #5) is

a less densely populated area of the county; however, EMS transported 63% of the patients to which Clayton County EMS responded. The air transports and persons hit by automobiles, however, were a lot less. Chief Cohilas admitted it is a growing area of the county which is important in the future planning of the Fire Department. He noted that there were three (3) fire stations in Commissioner Ralph's district, but only one (1) has ambulance services. In Commissioner Edmondson's district, which was mainly the Lake Spivey area, the call volumes were less but EMS did transport over 50% of the patients who were treated in this area. Chief Cohilas stated there was only one (1) station with transport in Commissioner Edmondson's district, but it straddles with Commissioner Ralph's district. Further South is Fire District #4, near Hall Road and Black Hawk, and it is largely rural with no ambulance or fire truck in the area. This area had been receiving service from Station #10 on Panhandle Road. Although the call volume is a lot less, it is significant to note the number of people who are transported relative to the calls. Chief Cohilas then pointed out the stations in each district and the response times for each station in the district. Despite the fact that Fire District #13 had the highest number of calls, its response time was the lowest due largely to the density of the station servicing this area. In Fire District #12, the response times prepped up; Districts #4, #5, and #6 had huge response times because the county does not have any station close enough.

In order to mitigate the concerns with rising response times, Chief Cohilas said he was proposing in his budget request for this year that the county add three (3) EMS units; one (1) ambulance at Station #10 on Panhandle Road; one (1) Med Unit at Station #11 on Highway 85; and one (1) unit on Mundy's Mill Road at Station #12 to help fill in some of the response gaps and reduce response times. According to Chief Cohilas, it will cost ½ million dollars to add one unit and staff it 24 hours a day. A total cost of two (2) million dollars is estimated to address these needs. In the future there will need to be a station in the Lovejoy area (Station #15) and Mount Zion Road @ SR138 (Station #16) to address the response times between Station #8 and Station #5 coming off of Walt Stephens Road (due to the high level of commercial construction that needs to be addressed). Lastly, one (1) fire station will be needed in the Hall Road area. Chief Cohilas concluded that the bottom line is that the county has maxed out its technology, its ability to manage the population, and its ability to address the needs of the people in Clayton County.

6. The Board held the Merger of Refuse Control and Building and Maintenance Departments (Donnie Hood, Director of Building & Maintenance, and Wayne Patterson, Director of Transportation and Development.)

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7. Peggy Davidson, Director of Central Services, presented these items which resulted in the following actions:

1) Motion by Commissioner Ralph, second by Vice Chairman Singleton, to approve an RFB (RFB Pkg. # 07-07; 2/19/07) for the Clayton County Fire Department to renovate Fire Stations #5 and #8, at the request of Fire Chief Alex Cohilas. The recommendation is to award the contract to Whitworth Construction Company, Griffin, Georgia, as the lowest responsive bidder with a fee of \$820,772.00. Funds are available in the Fire Department's budget. Vote unanimous.

2) Motion by Commissioner Ralph, second by Vice Chairman Singleton, to approve an RFB (RFB #07-10; 3/5/07) at the request of Terry Legvold, Program Manager, CH2M Hill, and his staff, for Construction of Intersection Improvements at Pointe South Parkway, Flint River Road at Thomas Road-

Vanchat Street. The recommendation is to award this contract to ISC, Inc., Conyers, Georgia with the lowest fee of \$2,497,734.00. Vote unanimous.

3) Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve an RFB (RFB #07-11; 2/8/07) to purchase a vibratory roller (replacement), at the request of Transportation and Development. The recommendation is to accept the quote of Reynolds-Warren Equipment Company, Lake City, Georgia, for a total purchase amount of \$31,740.00. Vote unanimous.

4) Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve a bid (Bid Pkg. #07-14; 2/15/07) to purchase a fuel truck with containers (replacement), at the request of Transportation and Development. The recommendation is to accept the lowest quote of Allan Vigil Ford, Morrow, Georgia, for a total cost of \$106,839.00. Vote unanimous.

5) Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve a request from Detrick Stanford, Interim Director of Parks and Recreation, regarding the lower dam engineering services which includes management of the surveying and preparation of construction documents, design report, and specifications to meet Safe Dams standards. The recommendation is to accept the quote of Ross Consulting, Woodstock, Georgia with a fee amount of \$50,820.00. Funds of \$50,000.00 were previously approved by the Board of Commissioners on February 20, 2007, and those funds are available. Vote unanimous.

6) Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve an RFP (RFP # 06-59; 10/31/06) for the Sale or Lease Proposals on the Jail Facility. A selection committee, consisting of representatives from the Clayton County Prison, Central Services, Finance, and Building and Maintenance, interviewed the three (3) firms proposing on this project. The recommendation is to lease the facility to The GEO Group, Boca Raton, Florida, with the highest score of 93.75. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed. Chairman Bell called for a discussion on this proposal because it was his understanding that some of the commissioners had questions.

Commissioner Edmondson said he had discussed it and made up his mind.

Commissioner Ralph reiterated his support for Ms. Davidson and her staff for all of their work in preparing this proposal. He said this proposal has gone a long way in ensuring that there is equity and fairness in this county. Commissioner Ralph urged Ms. Davidson to continue bringing great presentations before this Board.

8. Angela Jackson, Director of Finance, presented the following items which resulted in these actions:

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REQUEST FOR BUDGET AMENDMENT - VEHICLE REPLACEMENT RESERVE 2-68

DECREASE EXPENSE:

		Autos and Trucks
101-6501-6020	\$	196,839.00

INCREASE EXPENSE:

101-3001-6020	\$	60,000.00	Autos and Trucks
101-4001-6020		108,839.00	Autos and Trucks

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101-4040-6020		<u>30,000.00</u>	Autos and Trucks
\$ 196,839.00			

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- - Motion by Vice Chairman Singleton, second by Chairman Bell, to approve the above-listed budget amendment from the Vehicle Replacement Reserve, in the amount of \$196,839.00, to provide funds for four (4) vehicles where the repair cost will exceed the value of the vehicle. Vote unanimous.  
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REQUEST FOR BUDGET AMENDMENT - TRAFFIC ENGINEERING 2-69

APPROPRIATION FROM FUND BALANCE:

Fund Balance	101-6501-7000	\$	57,200.00	Appropriation from
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INCREASE EXPENSE:

Equipment	101-4040-64040-TS253	\$	57,200.00	Other Machinery &
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- Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve the above-listed budget amendment from Traffic Engineering, in the amount of \$57,200.00, to carry forward funds for signal improvements at McDonough Road and Lovejoy Road. Vote unanimous.  
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REQUEST FOR BUDGET AMENDMENT - VEHICLE REPLACEMENT RESERVE 2-70

INCREASE EXPENSE:

Equipment	101-4001-6040	\$	31,740.00	Other Machinery &
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DECREASE EXPENSE:

101-6501-6020	\$	31,740.00	Autos and Trucks
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-Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve the above-listed budget amendment from the Vehicle Replacement Reserve, in the amount of \$31,740.00, to provide funds to replace a Vibratory Roller where the unit is no longer functioning and has been sold at auction [Unit 367]. Vote unanimous.

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REQUEST FOR BUDGET AMENDMENT - COMPUTER CENTER 2-71

APPROPRIATION FROM FUND BALANCE:

Fund Balance	101-6501-7000	\$	152,000.00	Appropriation from
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INCREASE EXPENSE:

	101-1301-4815	\$	152,000.00	R&M - Buildings
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- Motion by Vice Chairman Singleton, second by Commissioner Edmondson, to approve the above-listed budget amendment from the Computer Center, in the amount of \$152,000.00, to provide funds to upgrade the electrical system in the Computer Center. Vote unanimous.  
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REQUEST FOR BUDGET AMENDMENT - HOTEL/MOTEL TAX 2% FUND 2-72

INCREASE EXPENSE:

Fees	210-1105-4140	\$	50,000.00	Other Contract Service
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DECREASE EXPENSE:

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	210-6520-4845	\$	50,000.00	R&M Recreational Area
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- - - Due to the lack of a motion and a second, the Board took no action on a budget amendment from the Hotel/Motel Tax 2% Fund, in the amount of \$50,000.00, to provide funds for Phase I of the Comprehensive Communications Plan for Economic Development.  
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REQUEST FOR BUDGET REQUEST - LIBRARY 2-73

INCREASE REVENUE:

	101-5030-7005	\$	1,122.00	Gifts & Donations
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INCREASE EXPENSE:

Office Supplies

101-5030-4390                      \$                      1,122.00

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-Motion by Vice Chairman Singleton, second by Chairman Bell, to approve the above-listed budget amendment from the Library, in the amount of \$1,122.00, to recognize the receipt of a donation from the Rotary Club of Lake Spivey. Vote unanimous.

Chairman Bell sent out a thank you to the Rotary Club of Lake Spivey for its generous donation.  
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REQUEST FOR BUDGET REQUEST - CLAYTON COUNTY PRISON      2-74

APPROPRIATION FROM FUND BALANCE:

Fund Balance    101-6501-7000                      \$                      110,000.00                      Appropriation from

INCREASE EXPENSE:

Fees                      101-2751-4140                      \$                      110,000.00                      Other Contract Service

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The Board decided to hold the above-listed budget amendment from the Clayton County Prison, in the amount of \$110,000.00, to provide funds to contract architectural services for the proposed Clayton County Prison expansion.

Commissioner Ralph asked Chairman Bell to hold this budget amendment.

Chairman Bell asked for a consensus from the Board. The Board's consensus was to hold it.  
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--- 9.      Renee Bright, Director of Personnel, presented the following items which resulted in these actions:

1)      Motion by Vice-Chairman Sonna Singleton, second by Commissioner Virginia Gray, to appoint Interim Police Chief Jeff Turner as the new Chief of Police. Vote unanimous. (Applause)  
Renee Bright, Director of Personnel, inquired if the Board of Commissioners were ready to make an appointment for the new Police Chief as a result of conducting interviews of all candidates today.

Chairman Bell announced that the Board had conducted interviews of all of the candidates for the position of Police Chief in a Special Called Work Session today. He then asked the Board if it were ready to make its decision. Vice Chairman Singleton replied, "yes, sir." Chairman Bell said the Board was ready to make a decision, and he asked the Board if it had a candidate for recommendation. Vice-Chairman Singleton said yes, she wanted to make a motion that the Board accept Interim Police Chief Jeff Turner to be the permanent Police Chief of the Clayton County Police Department. (Applause) Chairman Bell expressed that the Board wished to appoint Interim Chief Jeff Turner as its Chief of Police. He stressed that Jeff Turner was no longer Interim Police Chief, but Chief of Police, and jokingly told him to change his stationery.

As the newly appointed Chief of Police, Chief Turner expressed his thanks to the Board for its vote of

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confidence in him. He also thanked the Board for allowing him to continue to serve the citizens of Clayton County and the employees of the Clayton County Police Department. Chief Turner took the opportunity to show gratitude to the many citizens, department heads, elected officials, and officers within his department for their support and words of encouragement. He reiterated his thanks to all and wished everyone God's blessings. (Thunderous Applause)

On behalf of the Board of Commissioners, Chairman Bell thanked Ms. Bright for her diligence and hard work. Additionally, he thanked all of the other candidates who presented themselves for the Chief of Police position. Chairman Bell admitted that it was not an easy decision but, rather, a difficult task with the field of candidates. He stated that all of the seven (7) candidates [originally eight -- one withdrew] were very well qualified, but the Chief presented himself in a such a way that the Board thought it was the best decision for the people of Clayton County. Chairman Bell again thanked Ms. Bright for her efforts.

2) The Board decided to hold a personnel request from the Sheriff's Office to delete three (3) Captain positions at a Paygrade 27 (\$51,603.00 - \$77,753.00) and create three (3) Sheriff Inspector positions at a Paygrade 29/Step 6 (\$60,648.00).

10. Motion by Commissioner Ralph, second by Vice Chairman Singleton, to approve Resolution 2007-36 authorizing Clayton County to enter into an agreement with the City of Lovejoy for Police and Animal Control Services. Vote unanimous.

Mr. Smith explained that this resolution was contingent upon the City of Lovejoy passing legislation to create its own police force within one (1) year. It also provides for services for a flat fee and the associated costs will be deferred to the Finance Director and Chief Turner.

Chairman Bell asked if there were any questions prior to motion. He asked Ms. Jackson if she had the cost analysis associated with this as requested.

Ms. Jackson replied yes.

Chairman Bell asked Ms. Jackson to distribute the analysis to each member of the Board.

Commissioner Edmondson questioned the breakdown regarding the cost of this proposed flat fee contract. He wanted to know if any variability in overtime hours had been built into these costs.

Ms. Jackson said the cost analysis includes: Four (4) Police Officer II positions; two (2) on each shift, three (3) Dispatchers to answer 911 calls, and a flat rate for any type of Special Operations Unit that may have to be called in to handle special crimes; i.e., the Bomb Unit, Canine Unit, CID, CSI, and any equipment cost associated with those personnel.

Commissioner Edmondson asked if these were off-duty Clayton County Police Officers and employees.

Ms. Jackson said if the county does the flat fee contract, then Chief Turner will be able to assign personnel to that.



Commissioner Edmondson asked if this would be a whole new division for Lovejoy.

Ms. Jackson replied yes.

Commissioner Edmondson noted that Section #3 states: "This resolution shall be effective on the date of approval by the Board of Commissioners." If the Board approved this today, he questioned when the flat rate would be paid, if a check would be written today, of if this would be effective the first of the year. Also, he wanted to know if the county were providing this service for free without an intergovernmental agreement and if the county could postdate this agreement.

Mr. Smith stated this resolution will not be effective until the City of Lovejoy passes a resolution saying that it is going to create a police force of its own within the one (1) year period of time. There would be no payment for any of the additional services because this resolution provides enhanced services within the City of Lovejoy.

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It will also provide for a portion of the city ordinances within the City of Lovejoy. Mr. Smith said none of this can take place until the City of Lovejoy has acted and is prepared to sign an executed agreement.

Commissioner Edmondson asked Mr. Smith if this resolution covered any costs associated with the interim coverages that the county is providing now.

Mr. Smith replied no.

Commissioner Edmondson wanted to know if the City of Lovejoy had proposed any mechanism that might help the county offset those costs that it is currently incurring by providing free police service.

Mr. Smith said the City of Lovejoy is currently paying the unincorporated rate for taxes, so there is certain amount that the county is receiving. The county, however, would not receive anything for those enhanced services and for enforcing city ordinances which will allow the county's police officers to go before the Municipal or Magistrate Court for enforcement.

Commissioner Ralph moved that the Board support this resolution for the enhanced services for the City of Lovejoy. He said the citizens of Lovejoy have repeatedly come before this Board asking that it support their quest to ensure the safety of that city. Commissioner Ralph felt the resolution, as presented, will allow the county to provide gap services for that one (1) year interim period while it works on creating its own Police Department.

Chairman Bell asked Mayor Joe Murphy to come before the Board. He said there were some other questions about the City of Lovejoy in an ordinance that would be supportive of this.

Mayor Joe Murphy, of the City of Lovejoy, said he was proud to be here. He appreciated all of the consideration and time that has been put into this resolution. Mayor Murphy noted this agreement has been in the works for approximately 16-18 months. He stated this agreement is an enhanced version of a service that is already being provided by the county. It started with the City of Lovejoy wanting to step forward and give the county back some money for an enhanced service that it felt it could use for the people, but it somehow mushroomed into a large scale deal. Per Mayor Murphy, it has helped the City of Lovejoy in the long run, because now it is coming forward with a program to present a budget to the City Council to start a Police Department for the City of Lovejoy. He believed this will take a series of months to accomplish and did not have the time frame on hand because the City Council just moved

forward on this issue within the last thirty (30) days. Mayor Murphy said he appreciated all of the consideration and services that the City of Lovejoy has received from the county, but he did not feel the City of Lovejoy was begging for an additional service getting anything for free because the City of Lovejoy is willing to pay for it. He noted that the City of Lovejoy had donated money to the Fire Department and it has also helped the Fire Department in the past. Also, Mayor Murphy said he had talked with Chief Cohilas and told him the City of Lovejoy has some land that they plan to donate for the new Fire Station in the future. He again thanked the county for all of the time and consideration given to the City of Lovejoy.

Commissioner Edmondson noted that Section #8 addressed the duration of the contract as follows: "This agreement shall continue until midnight on December 31, 2007." At the beginning of the resolution, it also states that this will continue annually and is renewable annually. He wanted to know if this had been updated and/or if the Board had not received an updated copy yet.

Mr. Smith explained to Commissioner Edmondson that there are actually two (2) agreements. He had been unable to put together the actual intergovernmental agreement for the police services until a meeting has been setup with the City of Lovejoy. The Animal Control agreement, however, does provide for a continuation if the City of Lovejoy would like the county to continue that service.

Commissioner Edmondson wanted to know how the City of Lovejoy plans on paying the flat fee. He asked if it would be paid up-front when services begin (per the resolution) or what would be his intent.

Mayor Murphy said he would like to pay it in intervals of two (2) payments annually, every six (6) months.

Commissioner Edmondson said if it were acceptable with Commissioner Ralph, he would amend Commissioner Ralph's recommendation to approve this resolution with the stipulation of half up front and the other half six

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(6) months thereafter for the effective date of the resolution.

Commissioner Ralph and Mayor Murphy agreed.

Chairman Bell asked that the record reflect that a stipulation was added as a friendly amendment to the motion that the payments will be made bi-annually.

Commissioner Ralph said he appreciated Mayor Murphy and the citizens of the City of Lovejoy coming and talking with the Board about their needs. He wanted Mayor Murphy to know that he has heard the cries of Lovejoy citizens loud and clear about them wanting additional services. Commissioner Ralph was glad that this Board and the City of Lovejoy were able to work together to find a way to ensure their safety. It is clear that there are some problems down there and it is hoped that this Board will continue to support the services that the City of Lovejoy will ultimately provide.

Mayor Murphy thanked Commissioner Ralph for his support.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 36

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT WITH THE CITY OF LOVEJOY FOR POLICE AND ANIMAL CONTROL SERVICES; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of Georgia in Article 9, Section 3, Paragraph 1 specifically authorizes counties and municipalities to contract with each other for joint services; and

WHEREAS, the City of Lovejoy (the "City") and Clayton County (the "County") have determined that it is mutually beneficial to the public health, welfare and safety of the citizens of the County and the City to provide additional police services to the City until such time that the City creates its own police department; and

WHEREAS, it will also be mutually beneficial to the public health to have cooperative animal control 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 Agreement for the stated purpose.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

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OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

**Section 1(a).** The Board of Commissioners hereby authorizes Clayton County to enter into an Intergovernmental Agreement with the City of Lovejoy for police services for a period not to exceed one (1) year in order to allow the City of Lovejoy to take the necessary steps to have its own police department established and in operation at the end of the contract term.

**(b).** The Board further authorizes Clayton County to enter into an Intergovernmental Agreement to provide joint animal control services as set forth in the attached agreement. Provided the County is compensated for the cost of providing police and animal control services in the amount of \$\_\_\_\_\_.

**Section 2.** The Board of Commissioners hereby authorizes the Chairman to execute the Agreements and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Agreements. The Agreements shall be subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

**Section 3.** This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON

COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH,

COMMISSIONER

EDMONDSON, COMMISSIONER

/s/ MICHAEL

ATTEST:

/s/ SHELBY D. HAYWOOD

11. Motion by Vice Chairman Singleton, second by Chairman Bell, to approve Resolution 2007-42 authorizing Clayton County to enter into a Master Equipment Lease with Clayton County Governmental Finance Corporation, to be assigned to Banc of America Public Capital Corp., providing for the terms and conditions under which Equipment will be leased to the County. (NOTE: The Clayton County Governmental Finance Corporation voted on this resolution following the Executive Session.) Vote unanimous.

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Mr. Smith explained that this resolution and the next one dealt with the equipment for the Fire Department and the financing of that equipment as a lease purchase for four (4) Ambulances and three (3) Fire Trucks, which the Board approved initially with Wachovia Bank but, in terms of rates, Bank of America had better rates.

Commissioner Edmondson wanted to know if the schedule were included in the Work Session as he requested. He said he did not have a problem with leasing, but he did not know what the Board was talking about in terms of leasing and renegotiating rates since they were not included in the packet that was presented.

(NOTE: At this time, copies of the rate schedule and terms were distributed.)

Bill Camp, Bond Counsel with Knox Wall (a division of Morgan Keegan & Company), referenced page #1 which showed the equipment that was being financed; page #2 showed an overall payment schedule for all of the equipment over a five (5) year period of time; and page #3 showed four (4) ambulances financed over a three (3) year period which is just a portion of the overall lease.

Ms. Jackson said the lease for the Fire Trucks will come out of the Fire Fund, and the lease for the ambulances will come out of the General Fund.

Commissioner Edmondson asked if they were talking about issuing debt, because this was the first time he had seen this and he did not understand the ramifications. He wanted to know if they were talking about issuing new bonds or if other bonds were funding this.

Mr. Camp said this was a lease transaction whereby the Corporation would hold the title until the equipment is paid for, and then the title would transfer over to the county. Mr. Camp reiterated that this was a lease purchase agreement and, subject to annual appropriations under Georgia Constitutional Law, it is not debt.

Commissioner Edmondson asked if there were some type of urgency or deadline pertaining to this agreement. He said if it were agreeable with the Board, he would like to defer this in an effort to study it further because he would hate to sign a contract that he has never seen.

Mr. Smith said last month, the Board originally approved the purchase of all the equipment with the exception of one (1) ambulance, which was added as a result of one being totaled in an accident earlier. Mr. Smith said the order is in place to get queued up to get that equipment manufactured, so there is some urgency in moving this forward.

Ms. Jackson said it takes approximately six (6) months to build an ambulance and eight (8) to ten (10) months to build a fire truck, once the Board approves the resolution.

Chairman Bell said that some of these are replacement vehicles due to the lost of one (1) fire truck and an ambulance.

Chief Cohilas verified these are all replacement vehicles. He pointed out that what Ms. Jackson said was very valid because he has vehicles with high mileage. That is why the Board approved this to go forward, because in the next five (5) months he will have a vehicle with over 200,000 miles -- making this an urgency.

COUNTY OF CLAYTON  
STATE OF GEORGIA  
RESOLUTION NO. 2007 - 42

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A MASTER EQUIPMENT LEASE WITH CLAYTON COUNTY GOVERNMENTAL FINANCE CORPORATION, TO BE ASSIGNED TO BANC OF AMERICA PUBLIC CAPITAL CORP, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH EQUIPMENT WILL BE LEASED TO THE COUNTY. TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**REGULAR BUSINESS MEETING - MARCH 20, 2007**

**WHEREAS**, Clayton County, Georgia (the "Lessee"), desires to lease certain property (the "Equipment") from time to time pursuant to the Master Equipment Lease/Purchase Agreement (the "Master Equipment Lease") with Clayton County Governmental Finance Corporation, to be assigned to Banc of America Public Capital Corp; and

**WHEREAS**, it is found that the Equipment, and the leasing thereof, is essential to the operation of the governmental functions of Lessee; and

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 a Master Equipment Lease with Clayton County Governmental Finance Corporation, to be assigned to Banc of America Public Capital Corp. The Board of Commissioners hereby authorizes the Chairman or the Vice Chairman to execute, seal and deliver the Master Equipment Lease, and such other documents as shall be deemed by the Chairman or Vice Chairman necessary or desirable to effect the purpose of this Resolution; and such execution shall constitute conclusive evidence that the executed document has been authorized and approved. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Master Equipment Lease. The Master Equipment Lease shall be in substantially the form presented to the Board of Commissioners, subject to such minor changes, insertions or deletions as the Chairman or Vice Chairman of the Board of Commissioners may approve.

**Section 2.** The aforesaid officers are further authorized to do all things necessary or appropriate to affect the purposes hereof.

**Section 3.** This Resolution shall be effective on the date of its approval by the Board of Commissioners.

RESOLVED this 20<sup>th</sup> day of March , 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY,

COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON

ATTEST:

/s/ SHELBY D. HAYWOOD

REGULAR BUSINESS MEETING - MARCH 20, 2007

12. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-43 authorizing Clayton County to enter into, as well as direct execution of Schedule of Property for lease with Clayton County Governmental Finance Corporation. Vote unanimous.

13. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-44 providing for the donation of certain County right-of-way and easements to the City of Jonesboro which will be used in connection with the City of Jonesboro Streetscape project. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 44

A RESOLUTION PROVIDING FOR THE DONATION OF CERTAIN COUNTY RIGHT-OF-WAY AND EASEMENTS TO THE CITY OF JONESBORO WHICH WILL BE USED IN CONNECTION WITH THE CITY OF JONESBORO STREETScape PROJECT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE DEED OF CONVEYANCE, AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County (the "County") desires to donate certain right-of-way and easements to the City of Jonesboro (the "City") for use in connection with the City's Streetscape project; and

WHEREAS, the donated right-of-way and easements are described as parcel(s) 61-A in Land Lot 241 of the 13<sup>th</sup> District, Clayton County, Georgia and further described on the attached Exhibit "B"; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by donating certain right-of-way and easements for the above-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 authorizes Clayton County to donate certain right-of-way and easements to the City of Jonesboro to be used in connection with the City's Streetscape project. The Board of Commissioners hereby authorizes the Chairman to execute the deed of

conveyance, and otherwise to perform all other acts necessary to accomplish the intent of this Resolution. The property is more fully shown on Exhibit "B" attached hereto.

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

REGULAR BUSINESS MEETING - MARCH 20, 2007

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF  
COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN  
/s/ SONNA SINGLETON, VICE CHAIRMAN  
/s/ VIRGINIA BURTON GRAY, COMMISSIONER  
/s/ WOLE RALPH, COMMISSIONER  
/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

14. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-46 authorizing Clayton County to enter into a Contract for Maintenance of Highways with the Department of Transportation, State of Georgia, providing for the terms and conditions under which continued maintenance of Flint River Road and Conley Road will be facilitated; to authorize Clayton County to accept the Local State Route Acceptance Resolutions wherein the Department of Transportation, State of Georgia, supports preconstruction activities for the widening of Flint River Road and Conley Road; to authorize the acceptance of the Authorizing Resolution associated with that portion of Conley Road which falls within the jurisdiction of Forest Park. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007- 46

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A CONTRACT FOR MAINTENANCE OF HIGHWAYS WITH THE DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH CONTINUED MAINTENANCE OF FLINT RIVER ROAD AND CONLEY ROAD WILL BE FACILITATED; TO AUTHORIZE CLAYTON COUNTY TO ACCEPT THE LOCAL STATE ROUTE ACCEPTANCE RESOLUTIONS WHEREIN THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA SUPPORTS PRECONSTRUCTION ACTIVITIES FOR THE WIDENING OF FLINT RIVER ROAD AND CONLEY ROAD; TO AUTHORIZE THE ACCEPTANCE OF THE AUTHORIZING

RESOLUTION ASSOCIATED WITH THAT PORTION OF CONLEY ROAD WHICH FALLS WITHIN THE JURISDICTION OF FOREST PARK; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACTS, THE LOCAL STATE ROUTE ACCEPTANCE RESOLUTIONS AND THE AUTHORIZING RESOLUTION, AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, ALL AS MAY

REGULAR BUSINESS MEETING - MARCH 20, 2007

BE REQUIRED UNDER THE TERMS OF THE CONTRACTS AND THE LOCAL STATE ROUTE ACCEPTANCE RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Department of Transportation, State of Georgia, ("GADOT") intends to support preconstruction activities related to the widening of Flint River Road and Conley Road as outlined in the Local State Route Acceptance Resolutions (the "Resolutions"); and

WHEREAS, the County agrees that it will be advantageous to all parties, as well as to the traveling public, for the County to continue to accommodate utilities and to fully maintain it's sections of Flint River Road and Conley Road while on the State Highway System, as well as after the widening improvements are completed, as outlined in the Contract for Maintenance of Highways; and

WHEREAS, it is necessary for the County and the City of Forest Park (the "City") to authorize an Authorizing Resolution for that portion of Conley Road which falls within the jurisdiction of the City wherein the County and the City will agree to fully maintain Conley Road, as outlined in the Authorizing Resolution; and

WHEREAS, the County deems it in its best interest and the County will best be served by entering into the Contract for Maintenance of Highways with the Department of Transportation, State of Georgia, to accept the Local State Route Acceptance Resolutions and the Authorizing Resolution for the above-stated purposes.

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 for Maintenance of Highways with the Department of Transportation, State of Georgia, and to accept the Local State Route Acceptance Resolutions and an Authorizing Resolution related to the widening and maintenance of Flint River Road and Conley Road. The Board of Commissioners hereby authorizes the Chairman to execute the Contracts, Local State Route Acceptance Resolutions and the Authorizing Resolution, and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Contracts, Local State Route Acceptance Resolutions and the Authorizing Resolution. The Contracts, Local State Route Acceptance Resolutions and the Authorizing Resolution shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

REGULAR BUSINESS MEETING - MARCH 20, 2007



SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON

COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA

SINGLETON, VICE CHAIRMAN

/s/

VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

15. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007- 47 authorizing Clayton County to amend the Health Services agreement with Georgia CorrectHealth Clayton, LLC which provides for the terms and conditions under which inmate healthcare services are rendered to the Clayton County Prison. Vote unanimous.

STATE OF GEORGIA  
COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 47

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO AMEND THE HEALTH SERVICES AGREEMENT WITH GEORGIA CORRECTHEALTH CLAYTON, LLC WHICH PROVIDES FOR THE TERMS AND CONDITIONS UNDER WHICH INMATE HEALTHCARE SERVICES ARE RENDERED TO THE CLAYTON COUNTY PRISON; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AMENDMENT AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT THE APPROPRIATIONS AND EXPENDITURES RELATING THERETO; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County is in need of an agency to provide inmate healthcare services at the Clayton County Prison; and

WHEREAS, Georgia CorrectHealth Clayton, LLC ("Provider") is qualified and has agreed to provide healthcare services to inmates at the Clayton County Prison; 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 an amending the agreement with Provider for the stated purpose.

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

REGULAR BUSINESS MEETING - MARCH 20, 2007

Section 1. The Board of Commissioners hereby authorizes the County to amend the Health Services Agreement Georgia CorrectHealth Clayton, LLC which provides for the terms and conditions under which inmate healthcare services are rendered to the Clayton County Prison. The Board of

Commissioners hereby authorizes the Chairman to execute the amendment and otherwise perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect the appropriations and expenditures relating thereto. The Agreement Extension is subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

16. Due to the lack of a motion and a second, the Board took no action on Ordinance 2007-48; an Ordinance to amend the Clayton County Civil Service Rules and Regulations, as amended, specifically to amend Rule 5, Compensation and Benefit Plan, by adding three new rules as follows: 5.230, Compensation for Employees; 5.231, Working Out of Class; and 5.232, Compensation for Employees Working Out of Class.

17. Motion by Vice Chairman Singleton, second by Commissioner Ralph, to approve Ordinance 2007-49, an Ordinance to amend the Clayton County Civil Service Rules and Regulations, as amended, specifically to amend Rule 7.202(f), Governing Provisional Appointments in the Civil Service, by deleting the current Rule 7.202(f) in its entirety and substituting in lieu thereof a new Rule 7.202(f).  
Vote unanimous.

STATE OF GEORGIA  
COUNTY OF CLAYTON

ORDINANCE NO. 2007- 49

AN ORDINANCE TO AMEND THE CLAYTON COUNTY CIVIL SERVICE RULES AND REGULATIONS, AS AMENDED, SPECIFICALLY TO AMEND RULE 7.202(f), GOVERNING PROVISIONAL APPOINTMENTS IN THE CIVIL SERVICE, BY DELETING THE CURRENT RULE

REGULAR BUSINESS MEETING - MARCH 20, 2007

7.202(f) IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW RULE 7.202(f); TO REPEAL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS; TO PROVIDE FOR SERVABILITY; TO PROVIDE AN EFFECTIVE DATE; 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.** Clayton County Civil Service Rule 7.202(f) is amended by deleting the existing Rule 7.202(f) in its entirety and substituting in lieu thereof a new Rule 7.202(f) which reads as follows:

**Rule 7.202 (f) Provisional Appointments**

(f) ***Provisional Appointments*** - A provisional appointment is the filling of a properly established Civil Service position where no appropriate register of eligibles exist. In such instance, an Elected Official, Department Head, or other appropriate appointing authority may submit to the Personnel Director the name of a person to fill the position pending examination and establishment of a register. Such person may, with the Board's approval, be provisionally appointed to fill the position pending his/her becoming eligible and qualified for a permanent appointment. Upon becoming eligible for a regular appointment a person then serving a provisional appointment may be regularly appointed in accordance with the applicable provision of these Rules and Regulations. In such instance, the effective date of the appointee's permanent appointment shall be the date of the provisional appointment. Provided, however, in the event the term of the provisional appointment exceeded one hundred eighty (180) days, the effective date of the appointee's permanent appointment shall be one hundred eighty (180) days preceding such date. Further, no more than one hundred eighty (180) days shall be credited to the appointee's probationary period, counted for seniority in rank, or taken into consideration for any other purposes. A provisional appointee shall, during the period of his/her provisional service, be entitled to all Civil Service benefits. Unless otherwise authorized by the Board, a provisional appointment shall not exceed ninety (90) calendar days. If circumstances require a greater term, authorization must be secured from the Board. Except for employees provisionally appointed as department heads, no provisional appointment shall exceed one hundred eight (180) days. In the event of a break in service between the provisional appointment and regular appointment, time served in the provisional appointment shall not be credited to the appointee's probationary period, counted for seniority in rank, nor taken into consideration for any other purpose. The effective date of the regular appointment shall be the date such appointee began serving his/her regular appointment.

**Section 2.** All ordinances, resolutions, rules and regulations, or parts thereof which conflict with this Ordinance are hereby repealed.

**Section 3.** 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 herein is severable from the other. In the event that any portion of this Ordinance shall be declared invalid, unconstitutional or otherwise unenforceable by valid judgment 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.

REGULAR BUSINESS MEETING - MARCH 20, 2007

**Section 4.** This ordinance shall be effective on the date of its approval by the Board of Commissioners.

**SO ORDAINED**, this 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY

BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/

VIRGINIA BURTON GRAY, COMMISSIONER

WOLE RALPH, COMMISSIONER

/s/

EDMONDSON, COMMISSIONER

/s/ MICHAEL

ATTEST:

/s/ SHELBY D. HAYWOOD

18. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-50 authorizing Clayton County to apply for and accept grant funds from the Children & Youth Coordinating Council which will be utilized by the Clayton County Cooperative Extension Service for the First Steps Program. Vote unanimous.

STATE OF GEORGIA  
COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 50

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CHILDREN & YOUTH COORDINATING COUNCIL WHICH WILL BE UTILIZED BY THE CLAYTON COUNTY COOPERATIVE EXTENSION SERVICE FOR THE FIRST STEPS PROGRAM; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY, AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, AND TO TRANSFER ANY REQUIRED MATCH OF LOCAL FUNDS, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Cooperative Extension Service in concert with Southern Regional Medical Center, Inc., currently operates the First Steps Program located at the Southern Regional Medical Center; and

WHEREAS, the Clayton County Cooperative Extension Service intends to apply for a grant awarded of \$100,000.00 from the Children & Youth Coordinating Council, with an in-kind match of \$50,000.00; and

REGULAR BUSINESS MEETING - MARCH 20, 2007

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by applying for and entering into an Agreement with the Children & Youth Coordinating Council to accept grant funds for the above-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 authorizes Clayton County to apply for and to enter into an Agreement with the Children & Youth Coordinating Council to accept grant funds in the amount of \$100,000.00 to be utilized by the Clayton County Cooperative Extension Service for the First Steps Program, with an in-kind match of \$50,000.00. The Board of Commissioners authorizes the Chairman to execute the Agreement and any other documents necessary, and otherwise perform all acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the

terms of the Agreement. The Agreement shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007

CLAYTON

COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA

SINGLETON, VICE CHAIRMAN

/s/

VIRGINIA BURTON GRAY, COMMISSIONER

/s/

WOLE RALPH, COMMISSIONER

/s/

MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

19. Motion by Commissioner Ralph, second by Vice Chairman Singleton, to approve Resolution 2007-51 consenting to and authorizing assignment of interests in leases at Clayton County Airport, Tara Field by Tradewinds Properties, LLC. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

REGULAR BUSINESS MEETING - MARCH 20, 2007

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007-51

A RESOLUTION BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS  
CONSENTING TO AND AUTHORIZING ASSIGNMENT OF INTERESTS IN LEASES AT  
CLAYTON COUNTY AIRPORT, TARA FIELD BY TRADEWINDS PROPERTIES, LLC.; TO  
AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS NECESSARY AND  
OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT  
OF THE RESOLUTION; TO AUTHORIZED THE FINANCE DIRECTOR TO AMEND THE  
BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND  
EXPENSE, ALL AS MAY BE REQUIRED; TO PROVIDE AN EFFECTIVE DATE OF THIS  
RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Tradewinds Properties, LLC, holding lease(s) at Clayton County Airport, Tara Field dated January 21, 2004, desires to transfer interests to the aforementioned lease(s) into to Lovejoy Realty, LLC; and

WHEREAS, Tradewinds Properties has been unable to improve the property as anticipated under the above referenced land lease agreement; and

WHEREAS, Lovejoy Realty, LLC wishes to assume the above referenced lease and fulfill the lessee's obligations thereunder; and

WHEREAS, pursuant to the terms of said lease agreement, paragraph 23, thereof, the written consent of assignment must be received from lessor; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by consenting to and authorizing the assignment of interests in the aforementioned leases as contemplated therein.

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

Section 1. The Clayton County Board of Commissioners hereby consents and authorizes the assignment of properties currently under lease at Clayton County Airport, Tara Field by Tradewinds Properties, LLC. to Lovejoy Realty, LLC. The assignment of leases would include lease agreement(s) dated January 21, 2004. The Board of Commissioners hereby authorizes the Chairman to execute all documents necessary and

REGULAR BUSINESS MEETING - MARCH 20, 2007

to perform all other acts necessary to accomplish the intent of this Resolution Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required.

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

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY,

COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

20. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-52 authorizing the abandonment and conveyance of Clayton County's interest in and to a certain sewer easement located in Land Lot 141 of the 13th District. Vote unanimous.

Commissioner Edmondson understood Southern Crescent Group, LLC was the developer, but he wanted to know what was being built.

Bruce Taylor, Manager of Program Management and Engineering with the Clayton County Water Authority, confirmed that no building was being built. He explained that this was a previously existing building that had a sanitary sewer running through it. When the building was built, the sanitary sewer

was moved out of the way of the building. Mr. Taylor said now the property is being transferred and a quit claim is being requested for the property.

Commissioner Edmondson was aware that it was going to the developer and being transferred, but he wanted to know to whom it was being transferred. He asked if this were a private matter or if it pertained to a subsidiary of the Water Authority or the Hospital.

Mr. Taylor answered it was a private developer.

Commissioner Edmondson asked Mr. Taylor if he knew what the plans were for this endeavor.

Mr. Taylor reiterated there was already a building there; the property was just changing hands.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 52

A RESOLUTION AUTHORIZING THE ABANDONMENT AND CONVEYANCE OF CLAYTON COUNTY'S INTEREST IN AND TO A CERTAIN SEWER EASEMENT LOCATED IN LAND LOT 141 OF THE 13<sup>TH</sup> DISTRICT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS

**REGULAR BUSINESS MEETING - MARCH 20, 2007**

NECESSARY AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Water Authority (the "Water Authority") owns a certain sewer easement which no longer has sewer or water improvements within it and is located on tax parcel 13141c-a001 at 34 Upper Riverdale Road; and

WHEREAS, said easement is more particularly described in a legal description attached hereto as Exhibit "A" and made a part thereof, and

WHEREAS, the sewer line has been relocated and the new improvements donated and accepted by the Water Authority; and

WHEREAS, a request has been received from Southern Crescent Group, LLC (the "Developer"), the developer of Riverdale Medical Building for the Water Authority to abandon its interests to said easement, in that it conflicts with the Developer's use of the property and runs under the building; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County and the County will best be served by abandoning and conveying the sewer easement for the above-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 abandonment and conveyance of Clayton County's interest in and to that certain sewer easement located in Land Lot 141 of the 13<sup>th</sup> District; specifically found on tax parcel 13141C-A001 at 34 Upper Riverdale Road, being that this easement no longer contains sewer or water improvements and is interfering with the title of the Developer, and another sewer easement has been accepted by the Water Authority for this development. The Board of Commissioners authorizes the

Chairman to execute any documents necessary, and otherwise to perform all acts necessary to accomplish the intent of this Resolution.

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

## **REGULAR BUSINESS MEETING - MARCH 20, 2007**

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF  
COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

21. Motion by Commissioner Ralph, second by Chairman Bell, to approve Resolution 2007-53 authorizing the abandonment and conveyance of Clayton County's interest in and to a certain easement located in Land Lots 43, 44, 53, & 54 of the 12<sup>th</sup> District. Vote unanimous.

22. Motion by Commissioner Ralph, second by Chairman Bell, to approve Ordinance 2007-54, an Ordinance to amend the Code of Clayton County, Georgia, as amended; specifically Chapter 2, "Administration," Article IV, "Purchases and Property Disposition;" to provide procedures by which Clayton County will obtain the best and final offers; to repeal conflicting laws, ordinances, and resolutions; etc. Vote unanimous.

Commissioner Edmondson said he knew the majority of this Board gave Ms. Davidson consensus to bring forth some ideas on local preference, and he noticed that this subject was not addressed in the resolution. Another item that was brought forth at the Work Session was what was "Best and Final." He wondered where it was, why was it not in this resolution, and what the status was. He also questioned if the Board could establish a second ordinance or if this will be an annual purchase policy that Ms. Davidson plans on doing.

Ms. Davidson said that she put the "Best and Final" statement in the purchasing policy. She understood that she was to bring something back at the April Work Session pertaining to local vendors. That could be amended into this policy if and when this Board adopts an ordinance to establish a Local Vendor



Preference or Advantage Policy, but it would benefit the county more to adopt this policy and then amend it.

STATE OF GEORGIA  
COUNTY OF CLAYTON  
ORDINANCE NO. 2007-54

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED; SPECIFICALLY CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "PURCHASES AND PROPERTY DISPOSITION"; TO PROVIDE PROCEDURES BY WHICH CLAYTON COUNTY WILL OBTAIN THE BEST AND FINAL OFFERS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Central Services Department is responsible for the procurement of goods and services with economy and quality as priorities; and

WHEREAS, the Clayton County Central Services Department seeks to ensure that end user departments will receive the requested product or service in a more timely manner; and

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WHEREAS, the goal of these amendments is to enable Central Services to handle emergency situations in an expeditious manner thereby enabling the Board of Commissioners to manage purchasing issues unique in nature; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance as hereinafter set forth.

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

**Section 1.** The Board of Commissioners hereby amends the Code of Clayton County, Georgia, as amended, specifically Chapter 2, Administration, Article IV, Purchases and Property Disposition, as follows:

By deleting Section 2-109 in its entirety and by substituting the following:

**"2-109 Purchasing Authority.**

The Purchasing Agent shall have the authority to make purchases or lease capital equipment, materials and supplies on the open market where the purchase or lease price does exceed \$35,000.00. When the purchase or lease price exceeds \$35,000.00, the purchase or lease may be made by the Purchasing Agent only after the prospective purchase has been advertised in the official county newspaper and has been approved by the board of commissioners during a duly authorized and constituted board meeting."

By deleting Section 2-115 in its entirety and by substituting the following:

**"2-115 Special Purpose Purchasing Agents.**

The director of the department of fleet maintenance and the director of the department of building and maintenance are hereby designated as "special purpose purchasing agents" for their respective departments. The named directors are authorized to purchase materials, supplies and services for their respective departments, as "emergency purchases," where the soundness and integrity of vehicles, equipment, buildings and other public property of the county over which each director has a responsibility to maintain, repair, and/or construct is at risk. The named directors are authorized to make such emergency purchases of materials and supplies (as defined in County Code section 2-91.) and contract for necessary services using competitive procedures as circumstances reasonably permit. The nature of the

emergencies shall be documented by the directors and be available for submission to the board of commissioners and the department of central services upon request. The board of commissioners shall approve all emergency purchases where the materials, supplies or services are valued at \$35,000.00 or greater. The Board of Commissioners shall retain the right to request a procedural audit from the Internal Audit department on a semi-annual basis, or as needed."

By deleting Section 2-128 in its entirety and by substituting the following:

**"2-128 Emergency Purchases.**

(a)\_\_\_In all cases where there is an immediate need for any material or supplies, goods, wares or merchandise by any department of the county, the department shall write on its requisition to the purchasing agent, the words, "For Emergency Purposes"; and, when a requisition so marked is received by the purchasing agent, it shall be his duty to give his immediate attention to the requisition.

(b)\_\_\_If an emergency should arise after office hours, which emergency requires immediate action on the part of the county department involved for the protection of the best interests of the county, or should such a situation arise on a Saturday, Sunday or holiday and where it is not possible or convenient to reach the purchasing agent, any necessary purchase shall be made by the county department for which the purchase is necessary. The purchase shall be reported to the purchasing agent without delay.

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(c) The Purchasing Agent, or his/her designee, can grant the authority to County departments to purchase urgently needed items arising from unforeseen causes. An emergency purchase is handled outside the normal competitive process because of the urgency of the situation. The department requesting an emergency purchase must contact their assigned buyer to begin the purchasing process. The buyer will give instructions as to what actions must be taken, and in what order, to properly execute an emergency purchase. The buyer will also instruct the department on what documentation is needed to verify the purchase and to have the invoice paid. The requesting department is responsible for determining that the purchase is an emergency and that the necessary budget is available. Purchases made outside of these provisions must be processed through the Finance Department via a request for Accounts Payable check.

(d) The Chairman of the Board of Commissioners, in conjunction with the Purchasing Agent, Finance Director and user department, can approve the emergency repair of equipment when it is deemed beneficial to the County and expediency is required."

By deleting Section 2-133 in its entirety and by substituting the following:

**"2-133 Disqualification of Bids.**

Bids may be disqualified by the Director of Central Services as a result of, but not necessarily limited to, the following reasons:

- 1.Failure to follow Clayton County's bid schedule.
- 2.Failure to return applicable compliance and/or specification sheets.
- 3.Failure to return applicable addenda.
- 4.Failure to provide information on alternates or equivalents, when allowed.
- 5.Failure to provide bid bond when specifically stated will result in automatic rejection.
- 6.Failure of bidder to sign all requested documents.
- 7.Failure to submit bid by deadline.
- 8.Failure of supplier to extend prices.
- 9.Failure to hold firm pricing.

10. Failure to meet specified delivery requirements.
11. Prices for services or items that exceeds the department's budgeted amount allowed for those items.

By adding a new Section 2-136 as follows:

**"2-136 General Purchasing Methods.**

The following purchasing methods will be utilized as it pertains to the procurement of goods and services.

**(a) Competitive Sealed Bids**

Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000. All goods and services in excess of \$25,000 are required to be purchased through the sealed bid process, or negotiated by the Director of Central Services with full Board of Commissioners approval. There must be clear and defined specifications available and contracts will be awarded to the lowest responsive and responsible bidder. It will be the responsibility of the user department to develop comprehensive specifications that do not hinder competition. Competitive Sealed Bids **will not** be accepted via facsimile or email. The bids will either be advertised for a minimum of two consecutive weeks in the legal organ of Clayton County and/or can be found on the County website. The Director of Central Services reserves the right to procure goods or services from a previous bid/proposal within a reasonable amount of time, as long as the purchase price remains the same or has been reduced. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.

**(b) Competitive Sealed Proposal**

The competitive sealed proposal method is used when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The primary consideration in the competitive sealed proposal method is best value. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000. All goods and services in excess of \$25,000 are required to be

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purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners approval. Clayton County typically utilizes the Competitive Sealed Proposal method for purchasing professional services, service contracts or highly technical equipment and systems. It will be the responsibility of the user department to develop comprehensive specifications and scoring criteria that do not hinder competition. Competitive Sealed Proposals **will not** be accepted via facsimile or email. The proposals will either be advertised in the legal organ of Clayton County for a minimum of two consecutive weeks and/or can be found on the County website. An Evaluation Committee, which will be established by the Director of Central Services, will review the proposals according to a pre-determined scoring method, with the award going to the proposal with the highest score. The Director of Central Services reserves the right to procure goods or services from a previous bid/proposal within a reasonable amount of time, as long as the purchase price remains the same or has been reduced. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000 and greater. All approved budgetary goods and services and annual contract purchases can be

authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval.

**(c) Best and Final Offers**

The Clayton County Central Services department may elect to solicit best and final offers from offerors under consideration for award after the initial evaluation of proposals. Best and final offers can only be utilized when evaluating Requests for Proposals (RFPs) and should never be used in the Competitive Sealed Bid process. Best and final offers should only be requested once during the RFP process and should not be used as a matter of routine. The development of clear specifications / scope of work and evaluation criteria, the selection of a qualified evaluation committee and the removal of all biases and conflicts of interests from the process should minimize the need for best and final offers. If the best and final offer procedure is to be used in the negotiation and evaluation process, then this must be stated in the RFP for the offerors' notification and consideration. When soliciting best and final offers, the Clayton County Central Services department will establish a common date and time for the submission of best and final offers, and will only allow the submission of information related to pricing. No changes will be allowed with any technical information submitted unless it is in the best interest of Clayton County to change requirements and require another submission of best and final offers. After the best and final offer is submitted, no further negotiations shall be conducted with the offerors. The offerors' proposals will be rescored to combine and include the information included in the best and final offer. The decision to award will be based on the final evaluation, including the best and final offer. Offerors must be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible to being selected for award for the purpose of clarification to ensure full understanding of and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to the opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of information derived from proposals submitted by competing offerors.

**(d) Informal Written Quotation**

The Written Quotation method is used for all purchases from \$500 to \$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three (3) written quotations for each item solicited. Written Quotations do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two (2) vendors can be added to the randomly generated list at the discretion of Central Services staff members. Facsimiles and e-mails are acceptable forms of written quotations. Awards for Written Quotations are given strictly on a lowest cost method.

**(e) Telephone Bid**

The Telephone Bid method is used for all purchases from \$.01 to \$499.99. Buyers are required to solicit informal quotes over the telephone and receive responses via telephone, facsimile or e-mail from a minimum of three vendors. Telephone bids do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two (2) vendors can be added to the randomly generated list at the discretion of Central Services staff members. Awards for Telephone Bids are given strictly on a lowest cost method.

(f) Annual Contracts

Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the County to order goods and services directly from the awarded suppliers through the use of an Annual Contract document. Should the awarded supplier be unable to provide the contract item or service by the requested delivery date, or should the terms of the contract cause unreasonable financial strains on the County, items may be obtained in the open market through the competitive process. The Purchasing Agent has the authority to purchase unlimited quantities of goods utilizing active annual contracts. O.C.G.A., Section 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This allows the Purchasing Agent to utilize statewide contracts when this practice serves the best interests of Clayton County. The Clayton County Board of Commissioners makes the final award for state contract purchases of \$35,000 and greater.

(g) Sole Source Purchases

Before making a determination of Sole Source, research must be conducted to determine if other products or service providers exist that can satisfy the procurement requirements. Sound procurement practice requires that Sole Source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all Sole Source providers to supply a letter stating that they are the Sole Source for a given product or service and why they are considered to be the Sole Source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners."

By adding a new Section 2-137 as follows:

**"2-137 Process for Placement on Bidder's List.**

Suppliers interested in participating in the bidding process may be placed on Clayton County's bidders list by completing a Bidder's Mailing List Application, available in the Central Services Department or on the County's website. All interested parties will be required to list the commodities related to the various materials, equipment, supplies and/or services that are provided. The suppliers will be placed on the bidders list according to the commodity codes they provide. However, a supplier may submit a bid without being listed for that commodity or without being on the bidders list at all. All suppliers are responsible for notifying the Clayton County Central Services Department of changes in company name, address, phone number, e-mail address, etc."

By adding a new Section 2-138 as follows:

**"2-138 Soliciting Bids and Proposals.**

Clayton County will employ the following methods to solicit bids and proposals:

**(a)E-mail Solicitation**

All sealed bids and proposals will be e-mailed to each vendor on the Clayton County approved bidder's list. This represents a paperless solicitation process in which all vendors are notified of all sealed bid and proposal opportunities. Vendors that do not supply certain goods or services for a particular bid or proposal are asked to submit a "no bid" to the Clayton County Central Services department via email, facsimile or letter.

**(b)Mail Solicitation**

Bids and proposals can be mailed to suppliers on Clayton County's approved bidder's list, and to any suppliers that may be suggested by the User Departments. However, Clayton County cannot guarantee that every

supplier contained on the approved bidder's list will receive a copy of every bid or proposal opportunity for a particular commodity. Suppliers are urged to review the various methods of notification Clayton County uses to solicit bids and proposals.

(c)Newspaper

Bids and proposals with a cost of \$25,000 or greater will be advertised in the legal organ of Clayton County for a time period of no less than two (2) consecutive weeks. All public works construction contracts will be advertised according to O.C.G.A., Section 36-91-20.

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**(d)County Website**

All bids and proposals will be posted on the Clayton County website, [www.co.clayton.ga.us](http://www.co.clayton.ga.us).

(e)Central Services Bulletin Board

All solicitations are posted on the glass-enclosed bulletin board at the entrance of the Clayton County Central Services Department. All information is current and is updated daily."

By adding a new Section 2-139 as follows:

**"2-139 Pre-Bid and Pre-Proposal Conferences.**

Certain types of bids and proposals facilitate the need for pre-bid and pre-proposal meetings. These meetings are held in order to clarify specifications and expectations, to answer supplier questions specific to a certain bid or proposal or to allow suppliers to conduct an on-site review and inspection. Some pre-bid and pre-proposals are mandatory and some are voluntary. The bid document will state whether a pre-bid meeting is mandatory or voluntary. Any changes to the original bid or proposal will be made in writing in the form of an addendum, and will be mailed, faxed or e-mailed to all suppliers who have originally received or requested the solicitation. All questions and requests for additional information must be directed to the names on the bid or proposal to ensure that all suppliers receive accurate and consistent information."

By adding a new Section 2-140 as follows:

**"2-140 Bonding and Insurance Requirements.**

(a) Codes, Permits, Fees, Etc.

All permits, fees, arrangements for inspections, licenses, and costs incurred for the same project shall be the responsibility of the successful contractor. All work materials and construction must comply with all applicable rules and regulations of local, state and/or national codes, laws and ordinances.

(b)Site Examination

It shall be the responsibility of each bidder to visit the site of the proposed project to examine the conditions as they exist.

(c)Insurance

All bidders will be required to comply with Clayton County's insurance requirements. A statement listing required coverage can be obtained from the Central Services department and must be carried without reservation or exclusion should the bidder be awarded this project. Failure to comply could result in a bid or proposal being found non-responsive.

(d)Exceptions and Omissions

If exceptions are taken to any portion of these specifications, such exception must accompany the bid and must be in writing. If any feature normally included in a complete job of this nature is omitted from these specifications, it too must be so stated in writing and be included with the bid.

(e)Performance Bond

The successful contractor shall be required to furnish a Performance Bond in an amount equal to the contract price. Bond must be filed with the Director of Central Services within ten (10) days after approval of the contract.

(f)Payment Bond

The successful contractor shall be required to furnish a Performance Bond in an amount equal to the contract price. Bond must be filed with the Director of Central Services within ten (10) days after approval of the contract.

(g)Affidavit

The successful contractor shall be required to execute an Affidavit in compliance with Georgia Code Annotated, Section 36-91-21 (e).

Clayton County reserves the right to accept or reject any and/or all bids, to re-advertise and to waive any technicalities."

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By adding a new Section 2-141 as follows:

"2-141 Process for Submitting a Bid.

All bidders are required to follow the bid submittal procedures contained herein:

12.Follow the instructions set forth in the bid or proposal. All bids and proposals include a copy of "Instructions to Bidders" that list certain instructions pertaining to all solicitations. In addition, there are specific instructions included in the bid and proposal documents that are unique to that particular bid.

13.Any questions regarding the bid or proposal should be directed to the appropriate Purchasing Agent or County employee as named in the solicitation as directed.

14.In order to submit a bid or proposal, the supplier must be able to responsibly meet the minimum requirements set forth in the solicitation.

15.Suppliers who are unable to meet the requirements of the solicitation should complete the appropriate form included in the bid package indicating a "No Bid". The form should be returned to the Clayton County Central Services Department. It is very important for all suppliers to submit a response to each solicitation, even if it is a "No Bid". Three (3) consecutive "No Responses" to solicitations will result in that supplier being removed from the Bidders List for that particular commodity.

16.Clayton County reserves the right to make an award determined to be in its best interest, which **could** include splitting a multi-item bid between suppliers or awarding a bid based on categories other than lowest cost, should other measurable financial savings be present.

17.Each bidder shall certify in writing that such bidder has not engaged in any collusive or anti-competitive practices in responding to a solicitation for bids or proposals. A declaration of non-collusion is simply a statement made by the supplier which states that the bid submitted is a bona fide bid that has been prepared independent of other bidders, and is in all respects fair and without collusion or fraud.

18.All bids or proposals must be submitted in a sealed envelope clearly marked as a "Sealed Bid" and with the solicitation number and description and company name and address in the upper left corner

of the envelope. The envelope should be addressed to the Clayton County Central Services Department; 7994 N. McDonough Street; Jonesboro, Georgia 30236. Documents must be submitted via hand-delivery, mail or express delivery service. Clayton County will not accept facsimile or emailed copies as a valid form of sealed bid.

19. Clayton County has the right to reject any and all bids if it is in the best interest of the County."

By adding a new Section 2-142 as follows:

"2-142 Process for Receiving Bids and Proposals.

Bids and proposals must be in a sealed envelope or package before they will be eligible for consideration. The Clayton County Central Services Department must receive all bids and proposals on or before the date and time specified in the document. Late bids will not be accepted and will be returned unopened to the supplier. There are no circumstances that will allow a late bid or proposal to be accepted. The envelope or package containing the sealed bid will be time and date stamped and placed in a secure location until the date and time of the bid opening."

By adding a new Section 2-143 as follows:

"2-143 Process for Opening Bids and Proposals.

20. Bids and proposals shall be opened publicly in the presence of one or more witnesses on the date and at the time and place specified in the specification documents. Suppliers and interested parties are invited to attend.

21. During the opening of the bid, the following information will be read aloud: the name of each supplier submitting a sealed bid, pricing information and any other relevant information. At this time all bids are considered to be open record.

22. During the opening of proposals, only the name of each supplier shall be announced. No other information will be disclosed nor shall the proposal be considered open record until the proposal is awarded.

23. Once the bid or proposal is opened, copies of the documents are forwarded to the User Departments for their evaluation and recommendation."

By adding a new Section 2-144 as follows:

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"2-144 Late Bids, Withdrawals, and Corrections to Bids.

Late Bids

Bids or proposals received after the date and time stated in the Invitation to Bid will not be accepted.

Withdrawals

A bidder wishing to withdraw their bid prior to the bid opening may submit a letter to the Clayton County Central Services Department requesting to withdraw. No bidder will be allowed to withdraw their bid subsequent to the bid opening. Any clerical errors should be reported to the Purchasing Agent, who has the authority to reject any and all bids if it serves the best interests of the County.

Modification/Correction

If an error is discovered prior to the opening, the supplier can submit a corrected sealed bid or proposal. The corrected document should be clearly marked that it supersedes the bid or proposal originally submitted. No corrections will be allowed subsequent to the bid opening. Any clerical errors should be reported to the Purchasing Agent, who has the authority to reject any and all bids if it serves the best interests of the County."



By adding a new Section 2-145 as follows:

**"2-145 Evaluation of Bids and Proposals.**

24.Bids are evaluated by the User Department, which submits a letter of recommendation to the Central Services Department. The bid recommendation is reviewed by the Central Services Department and is then presented to the Clayton County Board of Commissioners for its approval. The recommendation is made to the lowest responsive and responsible bidder.

25.Proposals will be reviewed and scored by an Evaluation Committee that will be established by the Director of Central Services. The proposals are scored based on the criteria set forth in the document. The evaluator may create a short list from proposals received, based on the criteria. The top firms may be interviewed and the prices reviewed to determine the final score. Once a firm has been chosen, the User Department submits a recommendation to the Clayton County Central Services Department. This recommendation is then presented to the Clayton County Board of Commissioners for their approval or rejection."

By adding a new Section 2-146 as follows:

**"2-146 Responsibility of Bidders.**

An apparent low bidder may not be recommended for award of a bid or contract if they are found to be non-responsible. The Director of Central Services, setting forth the reasons for non-responsibility, shall inform the "non-responsible" bidder via written letter. Reasons that a supplier may be deemed non-responsible are as follows:

26.Previous supplier performance problems as documented in the supplier performance file, maintained by the Central Services Department.

27.Failure to meet contractual obligations after the award has been made.

28.Failure to conform to required delivery, specifications or detailed requirements.

29.Submission of a bid or offer in such a manner that would prevent the establishment or determination of a firm bid price. Such qualifications would include refusing to hold firm prices or submitting bid prices subject to manufacturer increases/decreases, market conditions or minimum order quantities.

30.Submission of a bid that is contingent upon receiving the award of another bid.

31.Failure to provide a bid surety or meet insurance requirements, when specifically required in the bid.

32.Submission of solicitation exceptions, when not acceptable to Clayton County based on its own best interests."

By adding a new Section 2-147 as follows:

**"2-147 Tie Bids.**

Bids received from two (2) or more suppliers that are identical in price, delivery and meet the requirements of the bid specifications shall be awarded on the following basis:

33.The bid submitted by a supplier who does not have a documented negative supplier performance record contained in the vendor file.

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34.The bid submitted by a supplier located within Clayton County who has a current Occupation Tax Certificate issued by Clayton County, or one of the municipalities located within the County.

35.If the tie bids meet all the above criteria, and it is not in the County's best interest (at its sole discretion) to split the award, the bid award is based on the toss of a coin by the Central Services staff in a public session. The bidders involved will be invited to attend the coin toss at a stated date and time. One or more witnesses from Central Services and the User Department may be present. A simple coin toss (called by the company listed first in the alphabet) will break the tie and decide the award."

By adding a new Section 2-148 as follows:

**"2-148 Post Bid/Proposal Award.**

When an award of a bid or proposal is made, a purchase order is issued, a contract is prepared or a price agreement is established. Suppliers awarded annual contracts receive an Annual Notice followed by orders from the User Departments in the form of a voucher. When contracts are issued for projects or services, the supplier returns the signed contract along with any required insurance and bonding documents. A copy of the executed contract, along with a Notice to Proceed, is sent to the successful supplier so that work may proceed."

By adding a new Section 2-149 as follows:

**"2-149 Penalties for Non-Performance.**

Performance problems documented by the User Department and forwarded to the Central Services Department will be reviewed and every effort will be made to resolve the issue. Should a performance problem exist that cannot be resolved with the intervention of the Central Services Department, a supplier may be placed on the Ineligible Source List. Any supplier placed on the Ineligible Source List by the Central Services Department will not be eligible to provide any commodities and services to the County during the time such firm remains on the list. The length of time a supplier remains on the list is dependent on the severity of the performance problem, not to exceed three (3) years. The following are persons or companies who may be placed on the Ineligible Source List:

- 36.Any person who submits a bid or proposal in bad faith.
- 37.Any person who willfully or repeatedly breaches a contract with the County.
- 38.Any person who repeatedly refuses to accept a bid or proposal award.
- 39.Any person who has established a pattern or practice of unethical or immoral business practices.
- 40.Any person who has been convicted of a crime involving moral turpitude.
- 41.Any person, who is owned, controlled or managed, in whole or in part by any other person described in (1) through (5) above.

By adding a new Section 2-150 as follows:

**"2-150 Purchasing - Supplier Relationships.**  
Meetings

Suppliers are encouraged to meet with Central Services staff members for legitimate reasons. However, suppliers are urged to make an appointment with the staff member they wish to visit in advance. There are several times during the year in which the busy schedule of staff members may not allow them to meet with suppliers, or the time allotted for meetings may be very limited. Information such as catalogs and new product information is always helpful and welcome.

Requested Research

From time to time User Departments may request suppliers to perform specific research prior to the official request for purchase. In these situations, the supplier has no guarantee of receiving the award as a result of providing research or other information. The commodity or service may be required to be bid, which would result in the award being given to the lowest responsive and responsible bidder.

#### Gratuities

The Clayton County Civil Service Rule # 3.104 states, "No employee shall accept any gift, favor or other reward other than his regular salary, or as provided for by law, for any service rendered as an employee of Clayton County, Georgia. Gifts to whole departments may be received upon approval of the department head.

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All such rewards to any department rendering such services, and prorated equally among the employees of that department at such intervals as the employees by a majority vote shall direct."

**Section 2.** In the event any section, paragraph, subpart, sentence, clause, phrase, or word of the Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

**Section 3.** All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this ordinance are hereby repealed.

**Section 4.** This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law.

SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

#### CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

23. Motion by Commissioner Edmondson, second by Chairman Bell, to approve Resolution 2007-55, a resolution by the Clayton County Board of Commissioners, authorizing the Clayton County Planning and Zoning Department to establish new fees. (NOTE: This Ordinance was later changed from Ordinance 2007-32 to Ordinance 2007-55.) Vote unanimous.

Chairman Bell inquired about the origin of this resolution.

Mr. Smith replied that it was a combination of Community Development and Finance.

Commissioner Gray asked Mr. Smith if he stated that this came from Planning & Zoning. Mr. Smith replied yes. She wanted to know if he knew what the fees were being based on.

Beverly Ramsey, of Planning and Zoning, stated that Dawn Dickerson (Zoning Administrator) was out due to a death in her family. She explained that the fees for Planning and Zoning have been extremely low and not compatible with other counties for quite some time. Her department was asked to do a fee schedule showing what the present fees were and what they should be increased to based on other metro area counties.

Commissioner Gray wanted to know if the fees were generally the same in most of the surrounding counties.

Ms. Ramsey said they were basically the same, but still less than some of the other counties.

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Chairman Bell asked Joe Murphy, Assistant Director of Community Development, if he had any knowledge of how these fees were set.

Mr. Murphy said during the budget process last week, Planning & Zoning was instructed to look at its fee schedule. He said Ms. Dickerson prepared the fee schedule based on an analysis of fees from surrounding counties.

Eddie Williams, Director of Community Development, said that Ms. Dickerson looked at all of the counties in the metro surrounding area. This is the fee schedule that was comparable to the other counties.

#### STATE OF GEORGIA COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 55

A RESOLUTION BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING THE CLAYTON COUNTY PLANNING AND ZONING DEPARTMENT TO  
ESTABLISH NEW FEES; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL NECESSARY  
DOCUMENTS AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO  
ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE  
DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE  
REVENUE SOURCE AND EXPENSE; TO PROVIDE AN EFFECTIVE DATE OF THIS  
RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, in November of 2002 via Resolution 2002-146 the Board of Commissioners established certain fees related to the Planning and Zoning Department; and

WHEREAS, the Board of Commissioners wish to establish new fees as they relate to the Planning and Zoning Department; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by authorizing the establishment of new fees relating thereto.

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 Planning and Zoning Department to established new fees. The Board of Commissioners authorizes the Chairman to execute any necessary documents, and to otherwise perform all acts necessary to accomplish the intent of this

Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense. The new fee schedule shall be in substantially the form attached hereto as Exhibit "A", subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

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SO RESOLVED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN  
/s/ SONNA SINGLETON, VICE CHAIRMAN  
/s/ VIRGINIA BURTON GRAY, COMMISSIONER  
/s/ WOLE RALPH, COMMISSIONER  
/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

24. Motion by Commissioner Ralph, second by Chairman Bell, to approve Ordinance 2007-56, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Chapter 62, Offenses and Miscellaneous Provisions, so as to amend said chapter and to delete in its entirety the present Section 62-5 "Discharge of Weapons," and its subsections, and to substitute in lieu thereof a new Section 62-4 "Discharge of Weapons," and subsection. (NOTE: This Ordinance was originally numbered 2007-45 and later changed to Ordinance 2007-56). Vote unanimous.

Mr. Smith announced an Executive Session to discuss litigation.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2007 - 56

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 62, OFFENSES AND MISCELLANEOUS PROVISIONS, SO AS TO AMEND SAID CHAPTER AND TO DELETE IN ITS ENTIRETY THE PRESENT SECTION 62-5 "DISCHARGE OF WEAPONS", AND ITS SUBSECTIONS, AND TO SUBSTITUTE IN LIEU THEREOF A NEW SECTION 62-5 "DISCHARGE OF WEAPONS", AND SUBSECTIONS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending Part II, CODE OF CLAYTON COUNTY, GEORGIA, Chapter 62, Offenses and Miscellaneous Provisions, by deleting the present Section 62-5, entitled "Discharge of weapons", and substituting in lieu thereof a new Section 62-5, "Discharge of weapons" to **read as follows:**

**"Sec. 62-5. Discharge of weapons** (a) It shall be unlawful for any person to fire a gun, rifle, pistol, revolver, cannon, air rifle, firearm of any type or shoot a slingshot or bow and

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arrow within the unincorporated area of the county within 1,000 feet of any residence, place of worship, business or public meeting place; except, that this section shall not apply to any law enforcement officer while in the discharge of his official duties, nor to any county animal control officer as provided below, nor to any person hunting upon his own property or the premises of another with the owner's written consent in that area of the county zoned for agriculture by a zoning ordinance, order or resolution of the board of commissioners; provided that such person hunting on the premises of another shall at all times have the written permission of the owner of such property on his person.

(b) Nothing in this section shall be construed to prohibit events commonly known as turkey shoots; provided, that before any turkey shoot may be held within the unincorporated area of the county, a permit therefor shall be acquired by the sponsoring entity. The permit shall be issued by the director of community development for no fee; provided that:

(1) The sponsoring organization is charitable or nonprofit.

(2) The applicant demonstrates to the satisfaction of the director of community development that it has made adequate provisions for and will provide for the safety of all participants and for members of the public at large.

(3) No sponsoring organization may hold more than three turkey shoots in any calendar year.

(4) Permits issued under this section shall be valid for 30 days from issuance.

(c) Clayton County animal control officers are authorized to possess and use self contained, compressed air powered rifles issued by the County for the specific intended purpose of sedation and capture of animals."

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 valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

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

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SO ORDAINED, this the 20<sup>th</sup> day of March, 2007.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD

25. The Board held the appointment to fill a vacancy (Chairman Bell) on the Hospital Authority Board for an unexpired term ending on 10-31-08.

26. Motion by Vice Chairman Singleton, second by Commissioner Ralph, to appoint Jenaro Roberts (Vice Chairman Singleton) to the Development Authority Board. New term is for four (4) years; expiring on 3-1-11. Vote unanimous.

27. Motion by Commissioner Gray, second by Chairman Bell, to reappoint Emma Godbee (Commissioner Gray) to the Tourism Authority Board. New term is for four (4) years; expiring on 9-1-10. Vote unanimous.

28. Motion by Chairman Bell, second by Commissioner Edmondson, to reappoint Pete McQueen (Full Board) to the Water Authority Board. New term is five (5) years; expiring 3-1-12. Vote unanimous.

PUBLIC COMMENT:

1) Dr. Henry Anderson stated that impact fees are the most commonly accessed fees on the construction of buildings within a jurisdiction. The purpose is to pay for the expansion of a new government building such as Fire Stations, Police Stations, Sewer/Water Supply Systems, Parks, Libraries, and other government agencies and services. He informed the commissioners that he was going to push them to pass impact fees. Dr. Anderson referenced an article written in the *Clayton News Daily* on Monday, March 12, 2007, and on Thursday, March 8, 2007, by Eric Sturgis that quoted him as saying "smart counties and smart cities have passed them." He also stated that Hampton, Georgia has passed impact fees. Dr. Anderson said builders and developers know that it is a losing situation, so they have devised a council to make sure the cities and counties spend the money right. This county has not passed impact fees, although it should have been done under former Chairman Crandle Bray. Dr. Anderson believed that had he known about impact fees earlier, he would have urged this Board to pass them. He commended Chief Cohilas on a superior and excellent presentation about impact fees and contended this county has stayed with the builders and developers much too long. That is why this county needs Fire Stations, Police Stations, and Parks and Recreation facilities. Dr. Anderson stressed that if this commission had passed impact fees a long time ago, this county would not be in its present position. This commission has an opportunity to make it right; therefore, he appealed to the 3-2 majority power of Vice Chairman Singleton, Commissioner Ralph, and Commissioner Edmondson. Dr. Anderson asserted that Chairman Bell has made his views known and they appear to be somewhat vague on passing impact fees. He urged Vice Chairman Singleton, Commissioner Ralph, and Commissioner Edmondson to act and pass impact fees. By doing so, this county can get much needed revenue to build Fire Stations and Police Stations in Commissioner Ralph's and Vice Chairman Singleton's districts and to do good by the people of Clayton County for the betterment of essential public safety.

2) Linda Grainger was present on behalf of her sister (Alice Smiley) and her niece (Naja Moore). She explained that her niece has a medical condition called *Vega-Vega*, which is some type of heart condition. Whenever her niece gets overly excited, she is thrown out for hours. Ms. Grainger was concerned about an Emergency 911 call that her sister received about her niece passing out on the floor at

North Clayton High School. Ms. Grainger said that when the ambulance arrived, the Medics did not have a ladder to get her niece

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off the floor and so they let her lay there continuously hitting her head on the floor. When she arrived at the school, Ms. Grainger said she laid on the floor with her niece while the Medics left her alone. When the Medics came back, they put a needle in her niece's arm and she had to hold her niece's arm to keep her from bending it. She also had to hold her niece's head to prevent her from hitting it on the floor. Ms. Grainger added that the Medics who came to assist her niece were driving Vehicle #151. She questioned a police officer who was in charge, but no one would tell her anything. Ms. Grainger emphasized that her sister told her she was going to seek action because, every time she tries to come or call for help, no one wants to be accountable. She felt that the Board should look into this because her niece went back to the doctor and was told that she had a concussion. Ms. Grainger said this county needs to learn accountability and how to treat people because one of the Medics kept asking her niece about payment when payment was not important at that time.

Chairman Bell asked Chief Cohilas to talk to Ms. Grainger regarding this issue.

3) James Fambrough, a county citizen, stated the faces have changed but the same things are still going on. Mr. Fambrough said he has lived in Clayton County for 22 years and has not had honest, responsible representation yet. There is a new person in his district right now, but the verdict is still out on Commissioner Edmondson. Mr. Fambrough said his reason for saying that is because the same people are appointed on boards until they die or until a commissioner is elected that they do not like, and then they resign. Zoning ordinances are voted on based on what the Board wants to take place and not what the people want, and it has to stop. Mr. Fambrough confirmed that a resolution was passed preventing a person from serving on more than one (1) board; however, there are still people serving on more than one board. He questioned why the Board has not acted on impact fees. Builders are putting up houses on any crack they can find in Clayton County, and this Board is just sitting here letting the developers get what they want. When a little person comes along and wants to start a business, however, he/she gets the third degree. Mr. Fambrough had planned to ask why Jeff Turner was not Police Chief, but he was glad that the Board appointed him and that he was from Clayton County. It appeared as though the Board was always getting people from other counties to come and run this county, and that was unacceptable to him. He saw most of the commissioners everyday, and he was disappointed that there were still people who were inspecting their friends' and relatives' property.

4) Alvin Farmer stated that the county just appointed a Police Chief who is going to need some money, and Chief Cohilas has already mentioned the amount of money he is going to need. He said he did not mind paying his share, but he wanted all persons to have to pay their share as well -- including the people who are building in this community. Mr. Farmer stated it was his desire to have impact fees also because he did not want to impact his pockets. He believed the Board was creating these problems by building so many homes. Mr. Farmer realized that people have to have somewhere to live, but he had seen the effect of homes being built too close to one another. He referenced a home in his neighborhood that was destroyed by fire and how the siding on the house next to it was scorched and the siding had to be replaced. Mr. Farmer observed that some houses are being built so close together that if he wanted to shake his neighbor's hand, he would not have to leave his house. All he would have to do is stick his hand out the window and he and his neighbor could shake hands. He stressed that the Board was creating a problem with an already existing problem and, if this county does not do the smart thing and pass



impact fees, someone is going to pay with his life and that was the bottom line. He noted that the fire station on Mundy's Mill Road that did not have an EMT unit was the closest station to his home, and he did not realize that until Chief Cohilas mentioned it tonight. Mr. Farmer urged the Board to pass impact fees so that all county citizens can share in the benefits and nobody's life is affected. He informed the Board that people were talking and beginning to call all this building "project-to-project," because projects were built in the past to see if people could live in tight spaces. In closing, Mr. Farmer advised the Board to do the smart thing for Clayton County. Otherwise, he believed in voting out people who did not want to do what is smart.

5) Willie Foles, a resident of Morrow, stated that any 5<sup>th</sup> grader within a few minutes could tell everyone where most of the taxes come from -- Southlake Mall and the Airport. He hoped that everyone will remember in the near future that Morrow needs its fair share of tax. Mr. Foles noted that Clayton County lost a fine young man to the war in Iraq. He had read a newspaper article that mentioned this young man's parents hoped there would be a good turn-out in the county on Friday for the funeral. Mr. Foles commented that he was a Veteran of WWII and opposed this war, but he supported America's troops.

Motion by Vice Chairman Singleton, second by Commissioner Ralph, to go into Executive Session to discuss litigation in the Commissioners' Conference Room at 8:40 p.m. Vote unanimous.

Motion by Commissioner Gray, second by Commissioner Ralph, to go out of Executive Session at  
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9:17 p.m. Vote unanimous.

Motion by Commissioner Ralph, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Board Room at 9:18 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Vice Chairman Singleton, to recess the Regular Business Meeting in the Commissioners' Board Room at 9:19 p.m., and to convene the meeting of the Clayton County Governmental Finance Corporation at 9:19 p.m. Vote unanimous.

#### MEETING OF THE CLAYTON COUNTY GOVERNMENTAL FINANCE CORPORATION

Chairman Bell called to order the meeting of the Clayton County Governmental Finance Corporation which resulted in these actions:

1. Motion by Commissioner Ralph, second by Commissioner Edmondson, to approve Resolution 2007-42 to accept a lease agreement for certain property when necessary, per a Master Equipment Lease with the Clayton County Governmental Corporation, to be assigned to Banc of America Public Capital Corporation. Vote unanimous.

2. Motion by Commissioner Ralph, second by Vice Chairman Singleton, to approve the minutes of the March 20, 2007 meeting of the Clayton County Governmental Corporation. Vote unanimous.

3. Motion by Commissioner Ralph, second by Commissioner Edmondson, to approve Chairman Bell as President of the Clayton County Governmental Corporation; authorized the Secretary to sign documents; and authorized Michael Smith, Chief Staff Attorney, to serve as the Registered Agent of the Clayton County Governmental Corporation. Vote unanimous.

Motion by Commissioner Ralph, second by Vice Chairman Singleton, to adjourn the meeting of the Clayton County Governmental Finance Corporation Meeting at 9:20 p.m. Vote unanimous.

Motion by Chairman Bell, second by Commissioner Edmondson, to go into a second Executive Session in the Commissioners' Conference Room to discuss a personnel issue at 9:20 p.m. Vote unanimous.

Motion by Vice Chairman Singleton, second by Chairman Bell, to go out of Executive Session at 9:36 p.m. Vote unanimous.

Motion by Commissioner Ralph, second by Vice Chairman Singleton, to reconvene the Regular Business Meeting in the Commissioners' Board Room at 9:37 p.m. Vote unanimous.

There being no further business to discuss, motion by Commissioner Ralph, second by Vice Chairman Singleton, to adjourn the Regular Business Meeting of March 20, 2007 at 9:37 p.m. Vote unanimous.

CLAYTON COUNTY BOARD OF

COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ SONNA SINGLETON, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD