Minutes

Board of Commissioners
June 23, 2011
7:00 P.M.

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, June 23, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation
Pledge of Allegiance.

ACCEPTANCE OF AGENDA: Chairman Frady suggested moving Old Business item #11 to the beginning of the Agenda to be heard first. He said there had been no intent by this Board two weeks ago to pre-empt Commissioner Brown's project so he could do it after the Board voted on the budget. He said he was doing this because he thought it was the fair thing to do and it was not his fault necessarily but a procedural problem and this was the reason this was coming up tonight. He said he would be happy to accept a motion to amend the agenda. Commissioner Horgan made a motion to amend the agenda to move Old Business item #11 to be the first item on the agenda. Commissioner Hearn seconded the motion. The motion carried 5-0. Commissioner Brown made a motion to table the Public Hearing for the FY2012 budget until the first regularly scheduled meeting in July. Chairman Frady said the Board could vote on that if it wished to do so but the law says that we have to approve this budget two different times and this was the last time to do that before July 1st and we are going to enter July with a budget. He asked if there was a second to the motion. Commissioner McCarty seconded the motion. The motion failed 2-3 with Chairman Frady, Commissioner Hearn and Commissioner Horgan voting in opposition. Chairman Frady made a motion to accept the Agenda as amended. Commissioner McCarty seconded the motion. The motion carried 5-0.

OLD BUSINESS:

11. Consideration of Commissioner Brown's request related to reassessing Transportation SPLOST projects in a difficult budgeting environment when governmental expenses are climbing and revenues continue to drop:

Commissioner Brown presented this item for discussion. A copy of the request and the following statement, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. He read the following into the record. "Mr. Chairman, we cannot continue to remain on a course where the county government closes budget deficits by deferring multimillion dollar charges for maintenance and equipment purchases, borrowing from those line items and attempting to convince the public we had amassed a large funding surplus.

The weak justification in the newspaper about the county having millions of dollars in emergency funds and reserve funds for working capital does not deal with our problems. First, our expenses are quickly outpacing our revenue. Second, we are ignoring the maintenance of our infrastructure.

Emergency funds and reserve funds do not exist to balance the annual budget or cover future maintenance and capital expenditures. The unintended consequences of our current budgeting process, with revenue faltering, expenses growing and maintenance and capital projects deferred, will lead to an unsustainable financial crisis. Events are rarely kind to those who keep kicking the can down the road.

I do not see fiscal conservative principles at work at the core of this budget process.

Revenue streams have declined since FY 2009 to the present, and we can expect more of the same in FY 2012. The estimated adjusted fund balance impact leading to FY 2016 is approaching $3 million per year and that is with the extreme assumption of expenditures increasing at only two percent which is not likely.

To put things in perspective, the FY 2012 budget proposal calls for a 2.6 percent drop in revenue and around an 11.9 percent increase in expenditures. Keep in mind that the FY 2012 defers multi-millions of dollars in eventual expenditures as well.

The value of the county digest has plummeted by nearly $1 billion since its peak several years ago.

In FY 2011, as was also the case in FY 2010, there were no vehicles or heavy equipment budgeted as part of our replacement cycle. I believe in getting the most out of every vehicle in our fleet, but not funding the replacement cycle, currently at a 22 percent shortfall, is not fiscally sound.

At our February Retreat, we were presented with a backlog of 60 vehicles for FY 2012, 38 vehicles for FY 2013, 30 vehicles for FY 2014 and so on with nine replacement pieces of heavy equipment going unfunded in FY 2011.

The Water System had to defer over $2 million worth of improvement projects in FY 2011.

Likewise, the purchasing cycle for technology is many years behind. Bringing the county into conformity with technology is forecast out to FY 2016, but our current track, revenue versus expenses, does not allow us to fund any of those purchases either.

Indeed, Mr. Chairman, the current FY 2011 budget parameters, approved March 11, 2010 and cited in the annual budget report in Section Three, page 10, also deferred the 5-year Capital Improvement Program and declared the FY 2011 annual balanced budget development process would only consist of one element: the operating budget.

Our self-insurance employee health plan was supposed to eliminate a projected 23 percent premium increase in FY 2011. Unfortunately, the proposed savings have been gobbled-up by increases in the new plan.

It was disappointing to see that the elected officials allowed the Fire Fund to be in a negative position for FY 2011 with a complete understanding of where revenue projections were heading (Memorandum, From: Holland/Howard, Date: June 3, 2011).

The proposed drop in millage for the EMS Fund will lead to the collapse of fund balance in this account due to the rate reduction and steady drops in valuation.

There are no funds available to re-roof this administrative facility which has to be done. There are no funds available to Rehab the old jail facility which will be needed for future capacity. We have over $1.4 million dollars worth of crumbling storm water infrastructure beneath our roads and no funding for the repairs. Vehicles, heavy equipment and technology purchases are overdue and there is not enough available funding to meet the need.

We have deferred millions upon millions of dollars worth of capital improvement projects for several years with no apparent source of funding in sight.

We should be embarrassed that the county has not constructed a new Emergency Operations Center as the current set-up on the second floor of a retail-grade constructed building is inadequate to the point of being negligent. This request has been deferred for many years. It is absolutely vital that Public Safety command staff have a facility that meets the minimum requirements for survivability and security in event of a severe weather disaster or some other catastrophe so that we can have an effective response in aiding our citizens.

We have seen examples all over the nation, and as close as Spalding County, on the amount of havoc that can be caused in the midst of a disaster scenario. We should have funded this project years ago, but now we do not have funding for this project either.

To put it in the simplest terms, our budgetary position is unsustainable."

Commissioner Brown made a motion that the Board of Commissioners, on behalf of the taxpayers of Fayette County, commit to use of House Bill 240 allowing the voting taxpayers themselves to decide whether to rescue our current and future budget positions and/or create tax breaks without having to raise taxes by using Transportation Special Purpose Local Option Sales Tax funds, under the following conditions: (1) in the spirit of compromise, that the funding be appropriated to purchase the land for the West Fayetteville Bypass so the road can be constructed in the future if it is ever warranted; (2) County Staff compile a list of infrastructure, maintenance, equipment and/or millage rollback requirements paired to the SPLOST funding for approval of the Board of Commissioners; (3) The Board of Commissioners shall vote on the alternative budget along with the submission of a resolution for a House Bill 240 referendum, to take place at the next permitted opportunity allowed by law, at the next budget hearing meeting; (4) Until such time as the referendum occurs, in the spirit of compromise, the current proposed FY2012 would stand as the approved budget, only to be replaced if the referendum passes. Commissioner McCarty seconded the motion., discussion followed.

Commissioner Horgan remarked that there were a lot of items that Commissioner Brown has stated about the budget that he did not find as totally correct such as the infrastructure for the IT system. He said a lot had been done regarding IT throughout the County during the last six years. He agreed during the last budgets departments had held back on capital needs and he felt this had been prudent on staff at that time to look into the future to come up with the "rainy day fund" of over $8 million. He said this was the first year that the Fire Fund had dipped to a low figure and this was because of the decrease in taxes. He said staff had certainly been on top of that and they had forecast that would occur. He said the budget information had been available for over two months before budget meetings began. He noted that Commissioner Brown had failed to attend the first budget workshop held on May 23. He felt this was the most important time when the budget was discussed as well as the needs of employees. He said the second day of the budget meeting only lasted half a day. He felt Commissioner Brown had left a lot of what was being said.

Commissioner Horgan further remarked on House Bill 240. He said this Bill was not meant as a SPLOST do over in his opinion. He felt in 2004 the voters had voted for a SPLOST and that was a contract between the citizens and local government and not just Fayette County. He said this was a contract between all of the municipalities and their projects. He said the intent of House Bill 240 was not a do over and it was intended for projects that had failed where SPLOST money was collected that was sitting some place where a county cannot use it. He said HB 240 was a relief valve for counties to be able to use those funds that they could not use for example the county who had collected SPLOST funds to build a justice center and afterward discovered that they could not afford to run or maintain such a facility. He said what had been explained to him by the authors of HB 240 that this was a relief valve for counties to be able to use those funds that they could not use.

Chairman Frady said there had not been in the past a structure whereby a city or a county could dispose of monies collected for a SPLOST. He said this was the reason the Legislature had done this and there was a way to do this now. He said he understands at the Legislature was not happy with the Bill and was going to go back and take a look at it because they did not intend for the Bill to be a way to dispose of money in this particular manner. He said he felt Commissioner Brown had done a good job of doom and gloom and felt he should be in Washington and also that he was painting a picture that did not have any clarity. He pointed out that the budget discussions started on March 14th, 2011. He said there were meetings between department heads, County Administrator and the Finance staff. He said there had also been a meeting in April with budget submissions due from departments and meetings were held on April 25th and April 26th. He stated the Board held budget workshops on May 23rd and May 24th where Commissioners meet with staff to go over the budget and Commissioner Brown was unfortunately not in attendance at the May 23rd meeting. He said this meeting schedule was adopted in February and staff had been working on this budget all year. He said the public hearings on the budget were scheduled for June 9th and a final vote for adoption by the Board on June 23rd.

Commissioner Hearn commented on a Standard and Poor's report that the Board had received in March regarding the County's bond rating as it related to the refinancing of the justice center and the jail from a AA to a AA+. He said Standard & Poor's based the upgrade primarily on what they view as Fayette County's continue ability to maintain very strong financial operations and position throughout the national recession. He said Standard and Poor's stated "Fayette County's financial management practices are considered 'strong' under Standard & Poor's Financial Management Assessment (FMA) methodology. A score of strong indicates that practices are strong, well embedded, and likely sustainable. Management prepares the county's budget using historical trend analysis, adjusting revenues and expenditures to reflect current conditions. The county has historically been conservative in its budgeting. Once adopted, the budget is monitored closely, with monthly and quarterly reports, and a mid-year report to the Board of Commissioners and the county administrator. If needed, the budget may be amended on a monthly basis. Management maintains a five-year financial forecast and a rolling five-year capital improvement program. The county has adopted formal investment and reserve policies. The reserve policy was established at about 2.5% of expenditures or three months of working cash plus an additional $2 million in a contingency fund. Although management does not have a formal debt

management policy, it maintains internal guidelines that are followed as a matter of practice. Financial performance has been historically very strong in our opinion. The county has a track record of generating operating surpluses in its general fund. In the past five fiscal periods, it has recorded general fund operating surpluses in each despite budgeting for drawdowns. Conservative budgeting is a cornerstone of the county's financial profile. The stable outlook reflects Standard & Poor's expectations that the county will continue to employ the conservative budgetary measures that have allowed it to successfully navigate the recession. We could raise the rating if both the county's and the Atlanta MSA's economy resume a pattern of growth historically experienced before the national downturn." A copy of the report, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Commissioner McCarty remarked that he had attended all of the budget meetings and prior to that he had read the entire budget line by line. He said he had looked at the budget from the perspective as to what he would change if he could make a change. He remarked that staff had done a fantastic job of working this budget. He said the budget was very tight and very lean and it was to the point where no employees have been cut, laid off or furloughed. He said this budget had been stretched as far as it could go. He said to cut any further on this budget would mean a cut in a service. He said some services that might be cut would cause insurance rate changes and this just could not be done. He said it was his hope that somewhere in HB 240 the county would be able to use some of that. He suggested that the State Attorney General give the Board a written definitive list of what could and could not be done with the SPLOST funds in relation to HB 240. He felt this would settle this question once and for all.

County Attorney Scott Bennett said the Legislature had told the county exactly what the money could be spent on. He felt there was a lot of misinformation out there regarding HB 240 and how it functions. He said he had read the Bill countless times and he felt there were several processes to go through. He said the first process was to look at a project or projects and determine whether or not they were infeasible or not. He said that was the first process that the Board has to do. He said the statute does define what infeasible means. He said no court had interpreted this statue yet so there are no definitives. He said if the Board decides to implement HB 240 the process would involve this Board approving the Resolution with regard to the projects. He said then there would be a referendum called at the next County election to be held in July 2012. He said there were municipal elections this Fall but no County elections until next year. He said there would need to be some interpretation whether next election period was meant or the County's next election. He stated if some of the projects that the County might want to abandon were joint projects, then that city would need to adopt a resolution abandoning a project. He said in that case he felt this could be done at that city election time. He said with respect to what the money could be spent on if the referendum should pass, the statute states that the money can be spent on general obligation indebtedness or to reduce the millage rate. He said Fayette County did not have any general obligation indebtedness. He pointed out that the bonds issued on the judicial center were by the Public Facilities Authority and the County actually purchased the judicial center from the Public Facilities Authority. He said this was not the County's debt but the Public Facilities Authority debt that the County basically reimburses them the cost of in a purchase agreement. He noted that the only other bonds that we have are on the Water System and that was enterprise debt and not general obligation indebtedness. He said the key to knowing whether there was general obligation indebtedness, there would have to be a referendum and the public would have to vote to authorize that general obligation debt. Attorney Bennett said the second thing would be to reduce the millage rate. He said there was a proposal about issuing a general obligation debt along with the SPLOST referendum and he was aware that this had been talked about. He said that was a whole other financial calculation as to whether that was something that the Board wanted to do or not. He felt there might be some negative arbitrage issues in doing that issuance as well as some financial costs in issuing that type of bond.

Commissioner Brown said he did not blame the County staff for anything and remarked that the buck stops with the Board. He said County staff had done everything in their power to make every dime work in the most efficient way possible. He remarked that the Fire Fund that Commissioner Horgan had spoken about had collapsed and it had done

so knowing that the County's revenue projections were going straight down. He said the County was marginally ahead of revenue and that was only because the criminal justice center bonds were refinanced. He apologized for not showing up at the first budget workshop meeting held on May 23rd. He said he was a coach on the J.C. Booth Middle School Science Olympiad Team and noted that this team made it to the National Championships in Wisconsin. He said he had coached the team for an entire school year and he owed it to them to be there to support them. He said his team came in third place in the United States. He said he had gotten an update from the County Administrator on May 24th and was caught totally up to date. He said the Board did not adopt a budget at those meetings and that meeting was about giving advice to County staff about where to take the budget. He pointed out that County expenses were exceeding revenue and the County just could not continue to operate in this manner. He said there were major issues that needed to be addressed such as the roof on the administrative complex building, funding of replacement vehicles, maintenance to County buildings and capacity and maintenance of the jail. He said there were SPLOST dates that could be set for an election and the Legislature sets those. He said he disagrees with the County Attorney completely on that. He commented on general obligation bonds and said any number of those projects could be set up that he had mentioned and have the citizens vote on those projects and then vote on the referendum. He said this was absolutely doable. He said the worse case scenario in the HB 240 situation was that the Attorney General tells the County that the election could not be held until two years from now. He said what he still has the power to do and what the people have the power to do is to give the taxpayers of Fayette County the largest tax break in the history of Fayette County for FY 2012 with the provision that he would ask for some of it back the next year in 2013 to bring the County up to a financial stability level where it should be. He noted that the vehicle replacement program requires $625,000 per year and it was not known where that money would be coming from. He said the Technology plan would cost $1.4 million but it has an annual reoccurring cost of $802,900 over the next five years. He pointed out that the revenue projections for 2012 were minus 8% on the valuation of property. He said this was a serious situation and needed to be looked at seriously. He also remarked that he had been opposed to the West Fayetteville Bypass from the very beginning but he was willing to say buy the land, buy all of the right-of-way and if this road was ever needed or warranted in the future, then it should be built. He said that was just about as much a concession that he could make on a road that he felt was absolutely not needed.

Chairman Frady remarked that he had received a report from Tax Commissioner George Wingo regarding vehicle tag purchases from 1991 through 2010. He said there were 119,590 tags purchased in 2010 and this was an increase of 46,728 in the last twenty years. He said this was a 64% increase in vehicles and there were no new roads. He said this Board was responsible for providing roads to move traffic through the County.

Commissioner Brown said he had purchased one of those vehicles but he retained his older vehicle, and pointed out that he could only drive one vehicle at a time.

The motion failed 2-3 with Chairman Frady, Commissioner Hearn and Commissioner Horgan voting in opposition to the motion.

PUBLIC HEARING:

1. Public Hearing on the County's proposed annual budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012, and consideration of Resolution No. 2011-10 adopting FY2012 budget:

Chief Financial Officer Mary Holland reviewed the FY2012 budget with the Board. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. She updated the Board on a change that was made regarding the Board of Equalization and Superior Court Clerk Sheila Studdard's request in the amount of $22,630 for additional part time hours for staff to assist in processing the number of appeals that have been received this year. Superior Court Clerk Sheila Studdard asked for the Board's consideration for the additional part time

hours and noted that this position would be reviewed further in December. There was a consensus by the Board to approve this request. Ms. Holland remarked that the $22,630 was included in the budget figure that the Board would be considering for approval tonight. She noted if the Board approved these additional hours it would equate to three additional full time equivalents. She said there would be the GIS position in Information Systems, Superior Court position was .725 and Probate Court there was an additional 1.275 positions.

County Administrator Jack Krakeel interjected that he had a personnel matter to discuss with the Board. He said he had met with Executive Director of the Flint River Regional Library System Carrie Zeiger. He said Ms. Zeiger presented him with a letter indicating that the Flint River Regional Library System Board of Directors had voted to eliminate the position of the Fayette County Librarian from the Flint River Regional Library System's budget effective October 1st. He said the County together with the municipalities pay a membership fee on a per capita basis to be a member of the Flint River Regional Library System. He said the current fee structure is approximately $75,000 per year that is paid to that Library System and has been for a number of years. He stated subsequent to his discussion with Ms. Zeiger and displeasure with the fact that the Board of Commissioners was being provided this information this late into the budgeting process, they did agree to extend the employment position to December 31, 2011. He said staff would be coming to the Board during the course of the next six months with some recommendations regarding this matter. He said there had been significant discussions in the past with respect to the Library System and he felt the Board would want to revisit those discussions again. He said staff would certainly provide the Board with a financial analysis of the impact but it may require a mid year budget adjustment depending on the direction that the Board takes with respect to the employment of a Library Services Director.

Chief Finance Officer Mary Holland remarked that the Resolution that the Board would be considering for adoption was Resolution No. 2011-10. She reviewed all of the funds listed on this Resolution and remarked that the total was $88,608,066. She remarked that the Board would also be adopting the five year CIP plan as well and was in the amount of $32,000,000 and there was funding in the Fund Balance for this amount, the Water System and Solid Waste have funding within their enterprise funds for the additional $18 million for that. She noted that the Vehicle Replacement Fund actually had a cash amount of over $6 million. She clarified that she had spoken with the department heads as well as the constitutional officers and pointed out to them that if they had vehicles that needed to be replaced, with safety being the number one priority, that they have her include that in the Vehicle Replacement Schedule.

Commissioner Brown asked Ms. Holland if she had a total of all of the projects that the County had deferred to future years. Ms. Holland replied that the projects were in the five year CIP plan and these were the total amounts that she had just referred to. She said planning was being done for five years out to be able to have that funding available. Ms. Holland remarked that in addition to the Fund Balance there was a separate fund that was a capital improvement fund and it has projects that were still in progress. She noted that the total funding was $18 million of which $6 million was still available meaning those projects were still in process and have not been completed.

Commissioner Brown interjected that he had gone through the budget reports for the last several years and millions and millions of dollars worth of projects have been deferred. He said last year's Commission had said do not buy any vehicles and this was made very clear. He said if vehicles are not purchased in the purchasing cycle, then they would be deferred those costs to future years. He said he was looking at the CIP for 2013 and questioning how it would be met.

Ms. Holland replied that staff would be reviewing all of the vehicles and equipment through the County's asset system and would be working with the individual departments in order to obtain clarity as to when these vehicles need to be replaced as well as mileage criteria. She said during the retreat, staff indicated that there would be more analysis done on this to really pin point the amount that needed to be set aside for that.

Chairman Frady remarked that this was a Public Hearing and he asked if anyone in the audience would like to speak in favor of the budget. Hearing none, he asked if anyone wished to speak in opposition of the budget.

Bob Ross: Bob Ross thanked the staff for presenting such a detailed and very well organized budget that took a lot of work and making it available to the public. He said he also would like to thank Commissioner Brown for coaching the J. C. Booth Middle School Science Olympiad team who placed third Nationally. He remarked on Commissioner Hearn's comments regarding Standard and Poor's very detailed outlook. He said as one investment strategist's put it to him "we've been watching this train go by for a while now, and this isn't the engine but the caboose." He said the textbook example of this was the case of Enron. He said all of the credit rating agencies had Enron rated like stacks of solid gold until just a few weeks before the collapse. He said Commissioner Horgan had enjoined us to look at all of the accomplishments and then he remarked that we shouldn't be paying attention to the future but looking at the past. He said the question now was what Commissioner Brown could do for the citizens. He said HB 240 allows for the use for citizens to reassess decisions and circumstances that might have made sense seven years ago. He noted that during the last election primary the two new Commissioners were voted in by margins of about 7% and the current Chairman sits here by a mere 3%. He expressed concern with expenses exceeding revenues to the extent that they do and this is clearly unsustainable particularly when the economy shows no sign of recovery.

Denise Ognio: Denise Ognio remarked on Commissioner Horgan's comment that in 2004 the citizens agreed and had signed a contract that should be legally binding to do certain things. She felt now in 2011 through HB 240 this could be changed and she did not understand why the County would not try to get out of that contract. She said no one knew in February when budget discussions began that there would be HB 240 to fall back on and change things. She said Commissioner Hearn stands in prayer each week asking for God's guidance and she believed God had sent Commissioner Hearn all of these people to say "listen to me–and that we want less debt than we are spending." She said this Board had to start listening to the people. She said the County Attorney had remarked on several ways that HB 240 might work for the County and she felt this Board should look into all of those ways. She said the citizens wanted to vote on this. She further commented on Chairman Frady's remark that Commissioner Brown was reporting doom and gloom and she said she called this reality. She said this County needed a reality check and the budget needed to be rechecked. She said she calls Commissioner Brown's remarks a job responsibility as a Commissioner that he is performing for the citizens with the public's interest in mind. She commented on Tax Commissioner George Wingo's statistics regarding car tags. She said her family alone owned five cars and not all of the citizens who own vehicles travel on the West Fayetteville Bypass. She felt Governor Deal did care about the citizens when he signed this Bill and she also believed that attorneys had reviewed this Bill. She asked for consideration for this Board to look at this Bill as well. She commented on the verbiage on Section 1 on line 14 where it stated "unrealistic, or otherwise not in the best interests of the citizens." She also commented on line 87 where it states that "all persons desiring to vote in favor of modifying the project or projects shall vote yes and all persons opposed to modifying the project or projects shall vote No." She said she was asking the Board to reread this Bill. She said she had read the Bill several times and she was going to call Governor Deal tomorrow to find out exactly what the County can and cannot do. She remarked that the Fayette County Commissioners should not continue to spend millions on roads while property values, sales tax, revenue and school funding continue to spiral downward.

Ms. Ognio further commented that there was no procedure in place for simple things such as assurance that the lowest bid was approved on some items. She said many times it has been said by certain Commissioners that "it has always been done this way." She said this was just not good enough and this process was sending the county spiraling downhill in debt. She said she had been given an outlet by the Governor to ease debt, and the citizens were employing the Commissioners to look out for the people of the County and to allow a vote to determine what the people actually want. She urged the Board to let the people decide how they want their money to be spent.

Paul Parchert: Paul Parchert remarked on the comment made about the number of registered motor vehicles in Fayette County. He asked how this correlated to the population increase. He said he might not be typical but he has eleven registered vehicles and there were only two people in the household. He said only two of these vehicles could be driven at one time which means that nine vehicles are sitting at home. He pointed out that Fayette County was one of the richest counties in the entire Atlanta Metropolitan area and many people have extra vehicles. He said he would like to address the budget. He said several months ago he had asked the Commissioners to consider hiring an outside agency to do an assessment on productivity of the County workers. He said he received a copy of the FY2012 budget and he said he would like to commend staff for a great budget that was easy to read and flows very, very well. He said he had chosen Fleet Maintenance and the reason for that was because he had worked in that field for forty years and for sixteen years he had been bidding on and managing maintenance contracts. He said there were nine people working in the Fleet Maintenance Department and in total they repaired 484 vehicles in FY2010. This was the only time he had found anything on man hour data. He said at that time there were nine FTE's then and there are currently nine. He said most employees in industry work 1,880 or 1,920 hours in a year which comes to 16,560 hours and when you divide that figure by 484 services, and the County is spending 34.21 hours on every County vehicle serviced. He asked for the Board to consider an outside agency that specializes in productivity in assessing workload to come in and determine whether the citizens of Fayette County are getting the most bang for their buck.

Tom Halpin: Tom Halpin commented that according to the budget that has been presented and also on line, there is approximately a budget of $88 million. He said according to Commissioner Brown the County's revenue was less and he was hoping to hear projections from staff tonight. He remarked if the revenue was less, then this Board has an obligation to the citizens to let the citizens know where this money would come from. He also commented on the number of vehicle tags and said this figure might indicate that more people were purchasing vehicles, but statistics show that taxpayers are leaving Fayette County and taking their money and their revenue with them.

Victor Remenski: Victor Remenski remarked that his experience with Standard and Poor's had been very detrimental to him personally. He said you couldn't spend more money that you're taking in. He said our Federal Government was an example of that, but they could print money and we can't. He said the figures don't lie but the people who figure do. He said he was opposed to the County's budget for FY2012.

Janice Dirkschneider: Janice Dirkschneider said she had heard nothing tonight where HB 240 mentioned anything about it being voted on in the next regularly scheduled election. She said she heard nothing about a preclusion to holding a special election for that. She said she doubted that Mr. Standard or Mr. Poor lived in Fayette County where the citizens are faced with increased millage rates to pay for things that have gone undone for years in favor of a perceived need for a bypass. She said the current Board consisted of a three man Board who wholeheartedly supports the construction of the West Fayetteville Bypass. She said the citizens had expressed opposition to the bypass in Board meetings as well as countless letters to the newspaper. She said the opposition of the citizens had grown stronger as the reality of the County's finances becomes clearer. He said these three Commissioners have asserted that the citizens speaking out are a highly vocal minority. She said HB 240 would give the County residents the opportunity to hold a referendum on this matter for a vote that would prove beyond a shadow of a doubt whether or not the bypass opponents are just a highly vocal minority. She said there was an easy way to answer this question and that would be for the Board to revisit Commissioner Brown's proposal. She asked for the Board to consider allowing the voters of this County the opportunity to say via a legal referendum that we do not want the bypass. She remarked that the Board of Commissioners were the citizen's servants. She questioned what the Board might be afraid of but and said the better question was what did the Board have to lose.

Jane Gallo: Jane Gallo remarked that she and her husband had moved to Fayette County in 1993 from Hudson County, New Jersey which is one of the most politically corrupt counties in the United States. She said she would like to urge the Board to table the budget for a while and put out a referendum on how the money should be spent. She said for her, there seemed to be the appearance of corruption hanging over this Commission and over Fayette County. She suggested there be a vote by the citizens as to how they would like the money to be spent, then that appearance of corruption would dissipate. She said this was the reason she was opposed to the budget at this time.

Randy Ognio: Randy Ognio remarked that the citizens of Fayette County don't believe that the Board hears what they are saying and as a result a petition is in progress with hundreds of signatures. He said the petition would be presented to the Board later after signatures are collected to ask the Board to consider HB 240.

Hearing no further public comments, Chairman Frady asked for the Board's pleasure in this matter.

Commissioner Brown made a motion that the Board not approve the annual budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012 and that the Board not consider approving Resolution No. 2011-10 adopting FY2012 budget on the basis that it is unsustainable, there was not enough revenue to cover the expenses and it will cause future financial crisis. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Brown stated that the Fayette County Board of Education had used the citizens' bond money and tax money to build a bunch of empty schools that were not needed. He said the Board of Education had used those bond funds knowing that there were not enough students to put in those schools and they built empty schools and half empty schools and they purchased land that was not needed. He said there was a ton of land that was purchased at the top of the real estate bubble prices that could never be sold again. He said not only have the funds been lost to those uses but a lot of State funding has also been lost because the State funding was generated on student capacity ratio and a school with no students was pretty bad. He said Fayette County was going in the same direction as the Board of Education but the County has an opportunity to give the money back to the citizens and not waste it on things that were totally unnecessary. He said this would be an opportunity to give the money back to the citizens and then ask for some of it back in order to sustain our budget and become the envy of metropolitan Atlanta in terms of the way the County conducts itself financially. He said he could not agree with deficit budgeting and that was exactly what the County was doing and it would not be possible to fund essential expenditures in future years.

Commissioner McCarty said one of the things the Board had discussed during budget discussions was some very small millage rate increases to bring some things into compliance financially. He said the other thing he could see coming up was a stormwater fee. He stated he would be happy to see the use of the SPLOST funds to eliminate these millage rate increases and the stormwater fee.

The motion failed 2-3 with Chairman Frady, Commissioner Hearn and Commissioner Horgan voting in opposition.

Commissioner Horgan made a motion to approve Resolution No. 2011-10 adopting the FY2012 budget. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of Resolution No. 2011-10, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

David Hall: David Hall apologized to the Board for his actions at the last Commission meeting held on June 9th. He said he had let his emotions take over and it was wrong. He asked for forgiveness from everyone in attendance and said he would continue to do all he could as a citizen and taxpayer to sustain the Constitution and defend it within the law.

Victor Remeneski: Victor Remeneski remarked that the citizens elect politicians and trust them to take care of their best interests and do the right thing. He said this meant doing what the majority of citizens want their elected officials to address and how they want them to vote on certain issues. He said the majority of the citizens wanted construction on the West Fayetteville Bypass stopped and the public outcry had been ignored. He said he had attended most of the Commission meetings and read most of the letters regarding the Bypass, and he could not recall one taxpayer coming before this Commission and say that they felt the Bypass was a good way to spend Fayette County's tax money. He said now there was HB 240 that would allow the citizens to vote on how they would like the SPLOST monies used. He said if this Board did not allow the citizens to vote on this issue, he felt there must be an overriding reason why political positions would be put at stake to keep the citizens from voting. He said this Board was not listening to citizens and these citizens will speak during the next election process.

Harold Bost: Harold Bost remarked that three of the five Commissioners were determined to sell out the citizens of Fayette County down the river any way that they could. He said this Board was disregarding every word spoken by the citizens. He remarked that the theme for the 2012 election was "Clean the Shelves in 2012." He said the citizens have no alternative but to replace these Commissioners next year. He said the magic number is 556.

Nancy Truluck: Nancy Truluck remarked that the three Commissioners on the Board who wanted the West Fayetteville Bypass should pay for it. She said she lives on a fixed income and she has had to cut back on her expenses. She said she did not have the money to pay for this budget. She said the citizens of the County do not have the money to pay for something that was not needed. She said until this County and this Country lives within the budget, the citizens are headed downhill.

Paul Parchert: Paul Parchert remarked on the West Fayetteville Bypass. He noted that the Bypass would flow into Highway 92 at the intersection of Westbridge Road. He noted that Highway 92 was already congested, and now with the opening of the Bypass there would be additional vehicles from Peachtree City. He said with the light at this intersection and the additional traffic, this would only create a huge traffic jam at the intersection of Highway 92 and the Bypass. He said he did not understand the need for the Bypass and felt the traffic engineers who performed this study should be fired. He said it was obvious what would occur at this intersection and he felt the Board realized this too. He felt it was corruption.

Tom Waller: Tom Waller commented on the West Fayetteville Bypass and in his search for references providing the justification for putting the West Fayetteville Bypass in, there was nothing in those references supported the Bypass. He remarked that it was a road to nowhere. He commented on the pile of red dirt and the multi million dollar heavy vehicles parked at the empty school looking down the proposed right-of-way. He said he felt the Board was intimidating the public that the West Fayetteville Bypass was going to be built no matter what and if anyone gets in the way, they would be blown away.

Bob Ross: Bob Ross commented on the committee appointments that are listed on tonight's agenda. He questioned if there was a process within the County for fulfilling these committee positions and he felt it would be very useful to the public to have a process whereby the Commissioners could present names with bios and qualifications and have these posted on the County website.

CONSENT AGENDA: Commissioner Brown requested consent agenda item #5 be removed for discussion. Commissioner Horgan made a motion to approve the consent agenda items 2-10 with the exception of item #5 as presented. Commissioner McCarty seconded the motion. The motion carried 5-0.

SHERIFF'S OFFICE:

2. Approval of the Sheriff's Office request to amend the FY 2011Overtime Budget for the Criminal Investigations Division by $2,325.21 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE:

3. Approval of the Sheriff's Office request to amend the FY 2011Gasoline Vendor Budget Account for the Criminal Investigations Division by $1,387.20 to recognize a reimbursement received from the U.S. Marshals Service for gasoline expenditures incurred for the vehicle which was purchased for Fayette County by the Marshals Service. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE:

4. Approval of the Sheriff's Office request to amend the FY 2011 Vehicle Repair Services Budget Account for the Criminal Investigations Division by $19.08 to recognize a reimbursement received from the U.S. Marshals Service for expenses incurred for the maintenance of the vehicle which was purchased for Fayette County by the Marshals Service. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - PUBLIC RISK UNDERWRITERS PROPERTY AND CASUALTY INSURANCE:

5. Approval of staff's recommendation to accept the bid from Public Risk Underwriters to provide property and casualty insurance for Fiscal Year 2012, and for the Chairman to execute any subsequent related contracts and documents upon review of the County Attorney. A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Commissioner Brown remarked that there had only been one legitimate bid on this project and he questioned if the RFP's were being sent to qualified firms or just posting the RFP. Interim Purchasing Director Ted Burgess replied that staff was doing both and confirmed that the RFP was being sent to qualified bidders and also being posted on the County's website. Commissioner Brown asked Mr. Burgess how he would account for not receiving any legitimate bids other than the one that was received. He asked why no one wanted the County's business. Mr. Burgess replied he was not sure why the County only received one bid this time. He said staff had received several questions regarding the bid, but this one was the only bid received.

Commissioner Brown made a motion to approve staff's recommendation to accept the bid from Public Risk Underwriters to provide property and casualty insurance for Fiscal Year 2012; authorization for the Chairman to execute any subsequent related contracts and documents upon review of the County Attorney; and also that County staff examine and talk with some of the firms who had refused to bid and determine why those firms did not respond to the bid. Commissioner Hearn seconded the motion. The motion carried 5-0.

E-911 COMMUNICATIONS - AMENDMENT TO THE FREQUENCY RECONFIGURATION AGREEMENT:

6. Consideration of the 911 Communications staff's recommendation to approve the Amendment to the Frequency Reconfiguration Agreement dated May 17, 2011 between Fayette County and Sprint Nextel Corporation. A copy of the request and Agreement, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

WATER COMMITTEE:

7. Approval of Water Committee's recommendation to accept the low bidder, East Electrical Company, for pump station generator connections for two booster pump stations and one raw water pump station in the amount of $83,400; and authorization for the Chairman to execute any subsequent contracts or agreements following review and approval of the County Attorney. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

PURCHASING - RESOLUTION NO. 2011-09 ADOPTED AMENDING LEGISLATION REGARDING PURCHASE OF GOODS AND SERVICES:

8. Consideration of Resolution No. 2011-09 which amends local legislation pertaining to Fayette County's authority to establish rules and regulations related to the purchase of goods and services for the County. This action is being taken to expedite the purchase of gas and fuel, which can result in a savings to the County. A copy of the request and Resolution NO. 2011-09, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

PURCHASING - ORDINANCE NO. 2011-04 ADOPTED AMENDING CHAPTER 2, ADMINISTRATION ARTICLE V. PURCHASES AND SALES:

9. Consideration of Ordinance No. 2011-04 which amends the Fayette County Code of Ordinances, Chapter 2, Administration Article V Purchases; Sales, which increases the amount of gasoline and fuel the County can purchase without issuing formal bids to $30,000. This action is being taken to expedite the purchase of fuel, which can result in a savings to the County. A copy of the request and Ordinance No. 2011-04, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

MINUTES:

10. Approval of minutes for the Board of Commissioners Budget Meeting held on May 24, 2011, Board of Commissioners Workshop meeting held on June 1, 2011 and Board of Commissioners regular meeting held on June 9, 2011.

NEW BUSINESS:

12. Consideration of approval of the minutes for the Board of Commissioners Budget Workshop Meeting held on May 23, 2011. Commissioner Brown was not present for this meeting:

Chairman Frady asked for the Board's pleasure in the approval of these minutes. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

Commissioner Hearn made a motion to approve the minutes for the Board of Commissioners Budget Workshop meeting held on May 23, 2011. Commissioner Horgan seconded the motion. The motion carried 4-0-1 with Commissioner Brown abstaining from the vote because he was not present for that budget meeting.

13. Consideration of a request from the Director of Public Safety to allow a change in the position of Fire Administrative Coordinator to Public Safety Budget Analyst:

Public Safety Director Allen McCullough presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 14", follow these minutes and are made an official part hereof. He remarked that the requested change was in the position of Fire Administrative Coordinator to Public Safety Budget Analyst. He noted that a vacancy had occurred due to the retirement of the longtime Administrative Coordinator. He remarked that the Division of Public Safety included six departments each with their own budgets: Fire Services, Emergency Medical Services, Emergency

Management 911 Communications, County Marshals Office and Animal Control. He said prior to advertising this open position, staff was requesting consideration to revisit the position to include job duties and responsibilities that would better serve the departments within Public Safety. He said the retooling of this position would provide for assistance to the Division Managers in budget analysis, payroll, P-Card auditing, EMS billing and division archives. He pointed out that the propose3d new job description, grade, and salary have been reviewed by the County Human Resources Department and UGA for compliance with the County's current pay and classification system. He remarked that staff was respectfully requesting a change in the position of Fire Administrative Coordinator to Public Safety Budget Analyst, including an increase in the job's classification from a grade 14 to a grade 17 prior to filling the vacancy resulting from the retirement of the Fire Administrative Coordinator. He remarked that there would not be any budgetary implications at all for this year and none were expected for the next year as well.

Commissioner Brown questioned the job classification for this position going from a grade 14 to a grade 17. Public Safety Director Allen McCullough replied that the new UGA pay scale study recommended this position to go from a 14 to a grade 17 based on the elements that staff was looking for within the job description for major duties, knowledge and responsibility for an analyst level position.

County Administrator Jack Krakeel remarked that there was a salary differential between the two positions and that was a differential of three grades. He said the top out was higher than the current position but because of the current incumbent being at the top end of grade 14 and the entry level for the grade 17 position was substantially lower than the top out, there would be no budgetary impact this year or potentially not next year but in some future budget year there would be a financial impact.

Commissioner Horgan made a motion to approve the request from the Director of Public Safety to allow a change in the position of Fire Administrative Coordinator to Public Safety Budget Analyst. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Brown felt this further proves his point and that was the creation of more expense than the County could afford. He felt this was deficit budgeting and in the long run this position would cost the County the more money. He said the County's revenue was not meeting its expenses. He said he was having a real problem adding additional pay grades and things of that nature when the future outlook did not look good in terms of covering those costs.

The motion carried 4-1 with Commissioner Brown voting in opposition.

14. Consideration of staff's recommendation to amend the agreement with the Association County Commissioners of Georgia (ACCG) and Blue Cross Blue Shield (BCBS) for inmate medical services effective June 30, 2011; and authorization for the Chairman to execute said agreement pending the County Attorney's approval:

Chief Financial Officer Mary Holland discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 15", follow these minutes and are made an official part hereof. She remarked that currently the County has an agreement with Correct Health to provide the basic inmate medical care and also an agreement with Blue Cross/Blue Shield in order to get their discount rates for any emergency type care where an inmate has to be taken to the hospital or another off site facility. She noted that recently the Governor had signed HB 197 and this Bill would allow that a qualified party which would mean a County or a Sheriff cannot be charged anymore than the medicaid rate currently in Georgia. She said this would produce some savings for the County. She asked for the Board's consideration to amend the current contract with Blue Cross/Blue Shield. She said it was staff's recommendation for the County to amend the contract with Blue Cross/Blue Shield and inform them that the County would continue coverage with them

but exclude any of the services that are covered by this HB 197. She said this must be done by July 1st and this was the reason for staff's presentation today. She said approximately $300,000 has been spent this year just for the emergency type care for inmates and it was predicted that this cost would be cut in half to give the County a savings of $100,000 to $150,000.

County Attorney Scott Bennett remarked that he had spoken with ACCG regarding this issue. He asked for consideration to send a letter to ACCG stating that the County desires the remaining provisions of the Master Contract between Blue Cross/Blue Shield and the County to remain in full force and effect. He pointed out that when claims come into the County, the County staff would have to administer the claim for the emergency care and these claims would not be sent to Blue Cross/Blue Shield anymore.

County Administrator Jack Krakeel said he had spoken with Major Cowart on this issue since it dealt with prisoners. He remarked that approximately six months ago staff had met with Dr. Carlos Musso who is the President and CEO of Correct Health, the firm that the County uses to provide inmate health care within the jail. He said one of the things discussed and they agreed to do without any additional compensation was to review claims submitted to Blue Cross/Blue Shield for administrative management to determine whether or not the claims reflected the level of care that was provided and to make sure the County was not being billed at a higher level than was appropriate. He said he would be meeting with staff during the coming weeks to develop a process for the handling of these emergency care claims.

Commissioner Brown made a motion to approve staff's recommendation to amend the agreement with the Association of County Commissioners of Georgia (ACCG) and Blue Cross Blue Shield (BCBS) for inmate medical services effective June 30, 2011, and authorize the Chairman to execute said agreement pending the County Attorney's approval. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the County Attorney's letter to ACCG Insurance Programs, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

15. Consideration of the reappointment of Carol Colon to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016:

Executive Assistant Carol Chandler remarked that this would be Carol Colon's second time to be reappointed and she had asked for consideration for reappointment. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

Commissioner Horgan made a motion to reappoint Carol Colon to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Brown commented that agenda items 15-18 were involving appointments to boards, commissions and authorities. He expressed concern that there was no transparency, no openness, no appointment process, no public notification, no interviews, and no evaluation of the people who want to be considered. He said on principle he just could not approve people in this system because it does not benefit the citizens of Fayette County.

The motion carried 4-1 with Commissioner Brown voting in opposition to the motion.

16. Consideration of the reappointment of Angela Hinton Fonda to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016:

Chairman Frady asked for the Board's pleasure in this matter. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

Commissioner Horgan made a motion to reappoint Angela Hinton Fonda to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016. Commissioner McCarty seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition to the motion.

17. Consideration of the reappointment of Allen McCullough and Steve Folden to the Region Four Emergency Medical Services Council for a two-year term to commence on July 1, 2011 and ending on June 30, 2013:

Chairman Frady asked for the Board's pleasure in this matter. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof.

Commissioner Horgan made a motion to reappoint Allen McCullough and Steve Folden to the Region Four Emergency Medical Services Council for a two-year to commence on July 1, 2011 and ending on June 30, 2013. Commissioner Hearn seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition.

18. Consideration of the reappointment of Pete Nelms to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016:

Chairman Frady asked for the Board's pleasure in this matter. A copy of the request, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

Commissioner Horgan made a motion to reappoint Pete Nelms to the Fayette County Department of Family and Children Services Board for a five-year term to commence on July 1, 2011 and ending on June 30, 2016. Commissioner Hearn seconded the motion. The motion carried 4-1 with Commissioner Brown voting in opposition to the motion.

ADMINISTRATOR'S REPORTS:
None.

COMMISSIONERS REPORTS:
Commissioner Brown: Commissioner Brown said he would like to thank all of the citizens attending tonight's meeting. He said to see a standing room only crowd made his heart feel very good. He said he was getting discouraged about things and to see the citizens show up at meetings and get involved and take time out of their day and voice their opinions, really bolsters his well being. He thanked the citizens for their support and coming to the meetings and standing up for what they believe in.

Commissioner McCarty: Commissioner McCarty said he would also like to thank the citizens for coming tonight and he wanted them to encourage their neighbors and friends to attend the meetings as well. He said the Board needs citizen participation. He said if there had been citizen participation in the beginning, there would not be the problems that were occurring today.

ADJOURNMENT: Hearing no further business to come before the Board, Commissioner Brown made a motion to adjourn the meeting at 9:12 p.m. Commissioner McCarty seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of July, 2011.

Karen Morley, Chief Deputy Clerk