Minutes

Board of Commissioners
February 14, 2012
6:00 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 February 14, 2012 at 6:00 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
Commissioner Absent:	Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd Jones, Chief Deputy Clerk

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Call to Order

Chairman Frady called the February 14, 2012 Special Called Meeting to order at 6:02 p.m.
Commissioner McCarty was absent from this meeting.

Acceptance of Agenda

Commissioner Hearn moved to accept the agenda as published. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0.

OLD BUSINESS:

The purpose of this meeting is to discuss and consider the reapportionment of County Commission Districts in Fayette County. The Board of Commissioners is expected to take action related to this issue.

Chairman Frady asked County Attorney Scott Bennett to explain to the Board and all present how the meeting would be conducted, and he noted that this meeting is governed by ordinance.

County Attorney Scott Bennett explained that the meeting was called to discuss the reapportionment of Fayette County's Road Districts in accordance with the 2010 Decennial Census. He informed all that, in accordance with local ordinance, there are three different opportunities for the public to speak at Board meetings, and he described the three types of opportunities to speak, saying the ability to speak at this meeting is the third type of opportunity for the public to address the Board of Commissioners. He explained that under the County's rules, when the Board has an agenda item that it wishes to entertain public comment on, the Board will allow each member of the public three minutes to comment on that. He emphasized that this is intended specifically to give the Board feedback on the matter before the Board and is not intended for discussion of general topics.

Mr. Bennett continued that the discussion currently being held is not centered on whether or not the County should go to district voting, and is not centered on the litigation that is currently pending with the NAACP regarding district voting in Fayette County. He clarified that the current discussion is about the options for reapportioning Fayette County. He said that principles to keep in mind concerning the apportionment and adopting of maps dealt with adjusting district lines for the purpose of equalizing population numbers, voting-age population numbers, and to correct deviation in population from one district to another district. He explained that at the February 9, 2012 Board of Commissioners meeting, two maps were distributed that were similar to maps currently under consideration. He clarified that the three-district map was not changed from the last meeting, but the five-district map had one change that exchanged population between the proposed District 1 and District 5. He said the reason those changes were made and posted on Friday, February 10, 2012, was due to some "numbers issues" in the first map that was presented, so those maps were re-balanced. He summarized that, based on legal council and expert opinion, both maps are legally sufficient and should pass pre-clearance by the Justice Department. He said there has been a lot of work, calculations of numbers, and much consideration tied into the maps under discussion.

He explained that the proposed five road district map places each of the five Commissioners into separate districts, and each Commissioner from each district would be elected at-large, meaning there is no district voting represented in the map. He added that the five road district map scenario would continue to have the Chairman elected by the Board of Commissioners themselves. He continued that posts four and five, currently occupied by Commissioners Brown and McCarty, would allow those sitting Commissioners to retain their seats; however, they would no longer be considered "at-large". He said Districts 1, 2, and 3 would be the posts up for election this year. He wanted to clarify that this discussion would not result in the removal of a sitting Commissioner or post.

He explained that the proposed three road district map has equally apportioned numbers within 2-3%, that each of the districts would be up for election this year while the two at-large posts, currently occupied by Commissioners Brown and McCarty, would remain until the next election. He then asked Commissioner Brown to speak to how the Chairman would be selected and to give clarifying remarks on how the three road district map would work.

Commissioner Brown said his attempt was to "put together three logical districts that would encompass zoning classifications that would all be similar", meaning no matter what district a candidate would run in, he or she would have something in common with everyone else in that district. He added that the commonality in zoning is very clear in each of the three districts. He said the three districts, as displayed on the map, would be at-large, similar to what is provided on the five road district map. He said his proposal was to have one Commissioner who would be elected at-large and who could run from any of the three districts, and also, to have voters elect the Chairman of the Commission. He explained that, concerning the election of the Chairman of the Commission, he had actually even volunteered to give up his at-large position and "put it up for the Chairman's election position if necessary." He added that in the era of regional government taking on greater importance, it is likewise important that the people themselves elect the

representative who is going to participate in the regional governing system. He thought it was of the upmost importance that the Chairman be elected by the same people he or she would represent since the Chairman would be making "very crucial decisions that will be impacting every one of the citizens".

Public Comment:

Grace Caldwell: Mrs. Grace Caldwell began her comments saying she was concerned about both of the proposed maps. She questioned Commissioner Brown's proposed map by asking how the Chairman would represent Fayette County. Commissioner Brown clarified that the Chairman would be elected at-large under the three road district map, and there would be another Commissioner elected at-large as well. Mrs. Caldwell asked if a committee had reviewed the proposed maps, if any prior meetings were held, and if there were any minutes available of any prior meetings. Commissioner Brown replied that there were no prior held meetings, no committees had been formed, and there were no minutes available on this issue. Mrs. Caldwell then asked why the public was left out of this process and why a decision on the proposed maps had to be made so quickly. She told the Board that the proposed maps moved her into the "northern district", and that she did not appreciate the move since she lives in Tyrone and likes the district she is currently in. She continued that the current system has staggered voting years for the Commissioners, meaning that this year three Commissioners up for election and in two years the remaining two Commissioners will be up for election. She noted that, since the elected Commissioners vote for a Chairman at the beginning of each year, that each Commissioner has at least four opportunities to be appointed as Chairman. She was concerned that the proposed three road district map could result in the citizens being "stuck" with a Chairman for four years. She proposed that the current method of selecting a Chairman actually gives the voters a government that is closer to the will of the people, and if the people do not like the Commission Chairman they can lobby the other Commissioners to replace the Chairman at the beginning of the next year. She concluded her remarks by saying each of the Commissioners serve as part-time Commissioners, and she suspected that the election of a four-year Chairman would mean that the Chairman would become a full-time position with added cost to the taxpayers.

Walt Hopewell: Mr. Walt Hopewell began his comments saying he did not understand why this discussion had become "so critical right now"; and he implied that the County was acting too hastily on long-standing issues. He said there are parts of Fayette County that were not allowed to vote in the last election, and he thought that problem should have been addressed a long time ago. He added that he understood there was a current lawsuit going on that was addressing the proposed maps, voting issues, and other related issues. Chairman Frady replied that this meeting was not a "quick turnaround", as alluded, but that the County needed to reapportion its districts based on the findings of the 2010 Census. Mr. Hopewell questioned the length of time for the process to work, and why, in two years, there had been no discussion or public involvement on the current issue. Chairman Frady replied that it takes a long time to get the Census findings, and that the County has to wait until the numbers are made available from other higher levels of government.

County Attorney Scott Bennett commented that in 2011, the Georgia General Assembly only wanted to hear from cities or municipalities that were holding elections and were undergoing the reapportionment process, since cities and municipalities hold elections in odd-numbered years. He continued that all reapportionment plans must go to the Georgia General Assembly to be adopted, and that while municipalities can adopt their reapportionments under the home rule, they are required to use the reapportionment services of the Georgia General Assembly to do so. He said that this requirement results in a log-jam of reapportionment plans; and he explained that this was the reason Fayette County was currently addressing reapportionment instead of addressing it last year. He then verified that Fayette County is currently under lawsuit as an allegation has been made that the county is in violation of Section 2 of the Voting Rights Act. He explained that analyzing the merits of the claim takes time, that it involves experts who review the claims, and that there are "infinite" numbers of ways to reapportion a county. He said that the Georgia General Assembly wants Fayette County's plan by February 15, 2012, so the county is "being crunched" by both the General Assembly's deadline

on one end, and by the experts and the people reviewing the County's case and status on the other end. He clarified that Fayette County's intention was not to wait until the last minute, but that by the time all of the information was made available, numbers were calculated, and experts were consulted, the county was pressed against the deadline established by the Georgia General Assembly. He ended his remarks saying that there had been no intentional withholding of information from the public, that much work had gone into the process, and that this last minute discussion was not based on a lack of trying, but was due to thorough work Fayette County has put into the process.

Commissioner Brown also clarified that all of last year's elections in our community were held by municipalities and involved only candidates to be voted on by those who live inside the city limits of one of those cities. He clarified that a voter may have a Fayetteville address, but still may not live in the Fayetteville City Limit –- and therefore would not be allowed to vote in city elections. Instead, they may actually live in unincorporated Fayette County. He concluded that residents living outside the city limits of any city would not ever be able to vote in a city election and that in 2011 there were no "county elections" held.

Judith Moore: Mrs. Judith Moore began her comments saying this was not a complicated issue, that she had spoken to the Board in the past about district voting, and that she understood that the current discussion was not about district voting. She told the Board that the issue of district voting was the issue that was before the public. She suggested that these issues could be solved quickly and easily, that the deadline could be met, and that, had the Board listened to her before, a great deal of money could have been saved. She advised the Board that it needed to adopt the very same districts that the Fayette County Board of Education did in January 2012, that it needed to adopt district voting, and that it needed to "quit fighting the inevitable".

Linda Pritchett: Ms. Linda Pritchett, a resident of Fulton County and a candidate for House District 63, which includes a portion of Fayette County, stated that during the summer she participated in the state's redistricting and reapportionment efforts in the Joint Assembly. She wanted to impress upon the Board that the effort was a grand fiasco. She applauded the Board for listening to the people who showed up on Valentines night, and she asked the Board to hear the concerns. She mentioned that people became upset after she spoke about eight times to a committee who listened to her recommendations and then took an opposite course of action. She closed asking what was the benefit of the proposed three road district map as compared to the proposed five road district map.

Karen Neff: Ms. Karen Neff asked the Board what considerations had been given to each of the proposed maps, given there is "an elephant in the living room that we cannot discuss." She asked how the outcome of the lawsuit, whatever the outcome is, would impact both of the proposed maps.

Mike Caldwell: Mr. Mike Caldwell asked if there was a job description for the Chairman of the Board of Commissioners. Chairman Frady replied there was a job description. Mr. Caldwell then asked if it denoted all of the qualifications for a Chairman, and he asked if there are separate qualifications for a Chairman as opposed to the other Commissioners. Chairman Frady replied that all of the Commissioners, including the Chairman, have the same "powers". Mr. Caldwell then asked what was the benefit of electing a Chairman

Larry Younginer: Mr. Larry Younginer told the Board that the biggest reason he came to the meeting was the issue of at-large voting. He said that after listening to the comments given, and after reading Commissioner Brown's op-ed article in the newspaper, he was fairly convinced that the proposed three road district map was a thinly veiled attempt to "maintain the status quo". He continued that if the Board adopted the proposed three road district map, that action would keep Fayette County from "moving in the direction that it needs to move". He commented that the proposed five road district map would in fact provide five districts that would position Fayette County for district voting. He continued that a large segment of Fayette County is not represented through at-large voting, and that the problem cannot be resolved

either through the current system or with the proposed three road district map. He said he would be disappointed if the Board adopted the proposed three road district map as a stop measure or a delaying tactic in an effort to maintain the current voting system. He concluded that Fayette County cannot continue to stand alone, that it needed to come to grips with the issue, and that it needed to move forward for the betterment of the entire County.

Teresa Lee: Ms. Teresa Lee informed the Board that she supported the proposed three road district map. She said that she knew "everyone wanted to get away from talking about anything else, but the problem is that we just cannot be Americans anymore, and that we are not just a group of Fayette County citizens." She explained that she was born in 1958, and that she was raised in Fayette County and has lived in Fayette County her entire life. She told the Board that she has observed many changes during her lifetime in Fayette County, and that Fayette County "has become a county with a lot of differences". She quoted Dr. Martin Luther King when he called for a "beautiful symphony of brotherhood", but she noted that this exhortation was not being realized because "we are not trying to get along". She said everyone needed to get along and just be Americans. She continued that decisions needed to be made on what is best for everyone, and that candidates should be chosen based on qualifications– not on race, religion, sexual orientation or other definitions. She again quoted Dr. King who cautioned that in the "process of gaining our rightful place we must not be guilty of wrongful deeds", and she speculated that most people did not know those spoken words since they "only focus on one thing anymore."

Dawn Oparah: Ms. Dawn Oparah said she was a little confused, and asked if there was a penalty if a decision was not made and provided to the Georgia General Assembly by February 15, 2012. She also suggested that since Fayette County is under a lawsuit, a message could be sent to the Georgia General Assembly stating that a decision would be made pending the outcome of the lawsuit. She was concerned that the peoples' voices were not being heard, and that this was too big of an issue to rush through. She then asked if the maps were apportioned by population, and if each district on the map was populated equally. Chairman Frady replied that the population figures were the reason for the reapportionment effort. Ms. Oparah replied that the discussion still felt rushed, and asked if a decision could be delayed until the people have a chance to look at the map and discuss it. She thought this issue was "way to important" to be rushed and pushed through on Valentines night. She closed her remarks by asking how binding was the Board's decision knowing there could be some "dissent".

Denise Ognio: Mrs. Denise Ognio expressed how she thought it was great to see such a large number of citizens at the meeting. She told the audience that she attends every meeting and that she wanted to challenge all the attendees, who want to attack the Commissioners but never come to a meeting except for maybe once a year, to come to the meetings at least on a monthly basis. She encouraged the people to get involved, and said that people should be ashamed if they come to only one meeting while they wonder what is going on and what the Board is doing. Then she once again encouraged the people to get involved

Alina Perez: Ms. Alina Perez confessed that this was a learning process for her since this was her first time at a Board of Commissioners meeting, and she said she was confused on how voting would occur if either of the proposed maps were adopted. Chairman Frady replied that at-large voting would continue throughout Fayette County, regardless of which map would eventually be adopted. Ms. Perez then asked what were the demographics for each of the districts delineated on both maps. Commissioner Brown asked County Attorney Bennett ro read the demographics to the audience, and Mr. Bennett did so. Mr. Bennett also explained that the population centers for Fayette County tended to be greater in the northern portion of Fayette County, and that the southern portion of Fayette County had a smaller population number. He said that reality translated to more districts in the northern part of the county as compared to the southern part of the county, and that while they are geographically dissimilar to each other, they are closely proportioned based on population.

Barbara Burden: Ms. Barbara Burden asked after a map is adopted and put into effect, how many votes would it take for the Board to pass any measure. The Board replied that it would still take three votes to pass an item or issue brought before it. Ms. Burden then asked what was the party composition of the Board; meaning how many Commissioners represented the Democratic Party and how many represented the Republican Party. Chairman Frady replied that all five sitting Commissioners ran as Republicans. Ms. Burden replied that it was her hope that some change could be made since all parties needed to be represented in Fayette County and since not all taxpayers are Republicans. Chairman Frady noted that although all the Commissioners ran as Republican, everyone was an American.

Maurice Jeffries: Mr. Maurice Jeffries began by telling the Board that he has lived in Fayette County since 1993, that he retired from Delta Airlines, and that he and other Delta employees pay taxes to Fayette County. He said there are many minorities moving into Fayette County, and therefore there were going to be changes, regardless of whether or not some people wanted them, since business cannot continue as usual. He asked, since the taxpayers are paying their tax dollars, how much the current lawsuit has cost Fayette County and how much it was projected to cost. County Attorney Scott Bennett replied that he did not have the answer to Mr. Jeffries' question, and when pressed, Mr. Bennett replied that he could not answer because he did not have a bill in front of him. Mr. Jeffries then asked why Fayette County "is fighting the opportunity for a minority to be represented on the Board of Commissioners". Chairman Frady replied that the Board would not answer questions like that since it cannot get involved with the lawsuit. He added that Mr. Jeffries can feel free to speak to the other party in the lawsuit, but that Fayette County is defending what it thought should be defended. He also reminded the Mr. Jeffries and the audience that the Board made it clear at the beginning of the meeting that it could not speak about the lawsuit.

Seeing no one else willing to speak, Chairman Frady closed public comments and turned the discussion to the Board of Commissioners.

Motion:
Commissioner Hearn made a motion to accept the "Five Road District Map" with at-large voting remaining. Commissioner Horgan seconded the motion.

Commissioner Brown stated that he would try to answer some of the questions raised by the public, and that he wanted to make it clear that neither the proposed five road district map or the proposed three road district map would indicate a shift into district voting, as specified in the motion. He then addressed Ms. Oparah's question about a penalty imposed on Fayette County if it did not submit a map by the deadline by saying that, while there is no penalty involved, if Fayette County did not meet the deadline it risked not having its local legislation voted on. He then addressed Mrs. Caldwell's concern about electing a full-time Chairman for four years, saying he did not anticipate the creation of a full-time Chairman. He continued that a Chairman has certain and unique roles not filled by the other Commissioners, such as representing Fayette County at the regional governments where only he or she (and no other Commissioner) has a vote. He thought it was crucial for the people to directly vote for the Chairman since that position has a direct impact on the Fayette community. He wanted the people to know that a majority of the Commissioners are voted for every four years, so it is possible for a majority to continually reappoint the same Chairman for four years as well. Commissioner Brown said he did not anticipate a difference in job descriptions for the Chairman–regardless of whatever map was adopted–and he also did not anticipate an increase of benefits to be provided to the Chairman. Commissioner Brown then spoke about the proposed benefits of adopting the three road district map by stating that it calls for the election of a Chairman across district lines. He thought this was an important issue since it takes a substantial population to find good candidates to draw from, and that by making the position of Chairman an at-large post, it broadened the potential number of candidates to choose from. He added that another benefit to the proposed three road district map was that it considered land uses and jurisdictions, and that it created "distinct, logical" district blocks as opposed to something that looked like an "octopus". He said he tried to keep jurisdictions in tact as much as possible, and he tried to keep zoning

classifications in tact as much as possible, so that whoever stands up as a candidate will be living in similar circumstances and with similar demographics as the constituents. He next addressed the concern that there had been no public participation on this matter, and he agreed that was a problem. He stated that he had pointed out to the other Commissioners some time ago that the County needed to consider reapportionment, and that the County should begin developing a "Plan B" in case there was no settlement with the NAACP lawsuit. He stated he was not supported in his wishes and now the County has now up against the Georgia General Assembly's established deadline, and that the County is having to act in a "very, very rushed fashion." He said he wished the public had more time to consider the proposed maps, and he wished the public had more time to ask questions, examine statistics, and to think about the big picture of where the County is going in the future.

Commissioner Horgan stated that the task at hand, as required by the Georgia General Assembly, is reapportionment. He continued that he had reviewed the two proposed maps, and had reviewed other maps that were not under consideration that had as many as six or seven districts in various arrays. He said that the proposed three road district map still followed the old militia district lines, that those lines were antiquated, and that should have been changed years ago. He added that the Chairman should be elected by his or her fellow Commission peers, and he agreed with Mrs. Caldwell's concern that a four-year Chairman could be a problem. He thought that a Chairman earns his or her respect from the other Board members, and that the Chairman represents both the people and the Board for Fayette County. He concluded that he favored the proposed five road district map since it splits the population of the County evenly and since it represents the minority population as best as possible

Commissioner Hearn addressed Mrs. Judith Moore's recommendation about adopting the Board of Education's districts, and he explained that one reason that does not work for the Board of Commissioners is because the Board would have two of its current sitting Commissioners in one of those districts, and it would not be fair to the two Commissioners. He said the Board did try to come up with districts that made sense and he explained that the proposed five road district map only dealt with where potential Commissioners live, however; all Commissioners are charged with representing all of Fayette County. Commissioner Hearn continued that he has worked in government for 21 years, and at times he has worked in counties with District Commissioners who were elected strictly by their district. He said, oftentimes, the only thing those District Commissioners were interested in was what was going on in their "kingdom". He thought that as Americans, and as citizens of Fayette County, the Board needed to look out for the betterment of the entire county. He agreed that the Chairman of the Board of Commissioners needed to be elected by the other Commissioners. He then concluded that each Commissioner is held accountable by every voter in Fayette County, and that when the Commissioners consider who it will have as Chairman, they make their decision with careful thought and consideration.

Chairman Frady said that he agreed with much of what had already been said by the other Commissioners, but he did have some areas of disagreement. He agreed that the Chairman should be elected by the other Commissioners, and if there is a problem with the Chairman, the other Commissioners can ensure that he does not remain in place very long. He noted that the militia district lines have a long history, that there are people who sleep in one precinct and eat breakfast in another precinct, and that he anticipated this reapportionment effort would correct those issues. He agreed that having five, proportional districts was the best option, and he thought many other counties in Georgia had similar districts. He concluded his remarks by saying that he anticipated the populations in each district would continue to grow, that the minority population in Fayette County would also continue to grow, and that, due to attrition, change could come to Fayette County in the near future.

Commissioner Brown replied that the proposed three road district map did not follow the militia district lines, and that, in fact, they were "radically different" from the current county commission districts which originated according to old militia district lines. He agreed that the old militia district lines did create three districts, but he added that the proposed three road district map did not resemble those districts.

County Attorney Scott Bennett stated that he also could answer some questions that were raised during public comment, and that the first question he wanted to answer concerned the question of how the Board's decision on a map would affect the current lawsuit. He answered that the Board's decision on a proposed map would not affect the lawsuit since it would continue "on its path". He continued that this reapportionment process was what was needed to abide by the Constitutional principle of "one person, one vote." He said the second question he wanted to answer concerned how binding the Board's decision was as it relates to the lawsuit. He explained that the lawsuit did not seek an injunction against Fayette County from having an election, and there is no relief request to stop the upcoming county elections in 2012. He continued that if the Board lost the lawsuit, it would not affect this election since the decision would address election procedures on a go-forward basis. He said another question he wanted to answer was if Fayette County would be penalized if it did not provide a decision in time. He answered that if the Board did not provide a timely decision, there would not be a monetary penalty, but it would subject the county's elections to the following question: If the county's elections are held using district maps that are not properly apportioned someone could then challenge the election as a violation of the "one person, one vote" principle. He explained that if the County's election is thrown out and the County has to have a special election in order to come into compliance, it would cost the County money– and therefore would be an indirect monetary penalty. He concluded that this reapportionment process was needed in order to avoid any problems with the upcoming elections, and that the process would put the county into compliance with "one person, one vote" principle.

Amendment to the Motion

County Attorney Scott Bennett informed the Chairman that a Resolution needed to be included with the motion. He said the resolution would accomplish two purposes: first, it would resolve that the map approved by the Board is the one the Board wishes to adopt, and second, it requests the Georgia General Assembly to introduce legislation to effectuate the changes for the adopted map.

Commissioner Hearn amended to motion to adopt the proposed County Commission "Five Road District Map", pursuant to the reapportionment of Fayette County, Georgia, to retain at-large voting, and to adopt Resolution 2012-04 stating the same and asking for local legislation to effectuate the decision. Commissioner Horgan amended his second to the motion.

Commissioner Brown noted that Commissioner McCarty was not present, and that both Commissioner McCarty and Board knew this was a weighty issue. He said that for those who were not at the last meeting, this was Commissioner McCarty's 50th wedding anniversary, so he is away on a trip that was scheduled well in advance. He said this is a Special Called Meeting that fell into the Commissioner's scheduled time to be away, but he wanted to let the people know that Commissioner McCarty takes this issue very seriously.

County Administrator Jack Krakeel said he wanted to respond to a question that was asked specifically related to the cost of the County's litigation. He said there has been previous public disclosure regarding the issue, and the expenditures to date were $10,000. He clarified that the amount did not include bills that had not yet been processed, but only what had been paid up to date.

The motion to adopt the proposed County Commission "Five Road District Map", pursuant to the reapportionment of Fayette County, Georgia, to retain at-large voting, and to adopt Resolution 2012-04 stating the same and asking for local legislation to effectuate the decision passed 3-1. Commissioner McCarty was absent for this vote.. A copy of the request, the two proposed maps, demographics for each district, and Resolution 2012-04, identified as "Attachment 1", follow these minutes and are made an official part hereof.

ADJOURNMENT

Commissioner Brown moved to adjourn the February 14, 2012 Special Called Board of Commissioners meeting. Commissioner Hearn seconded the motion . The motion passed 4-0.

The February 14, 2012 Special Called Board of Commissioners meeting was adjourned at 7:16 p.m.

Floyd L. Jones, Chief Deputy Clerk

Herbert Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8th day of March 2012.

Floyd L. Jones ,Chief Deputy Clerk