COUNTY AGENDA REQUEST

Department:	Board of Commissioners	Presenter(s):	Commissioner Steve Brown
Meeting Date:	Thursday, March 26, 2015	Type of Request:	New Business

Wording for the Agenda:

Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings.

Background/History/Details:

Commissioner Brown has written a memo asking for an official declaration that the Board of Commissioners approves all policy and procedure changes by vote at the BOC meetings (see "Exhibit A").

On April 25, 2013, based on Board direction given at the April 5, 2013 Retreat, the Fayette County Board of Commissioners approved Consent Agenda # 7: Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer (see "Exhibit B"). The Agenda request, accompanying the minutes, is included in the support documentation (see "Exhibit C").

Commissioner Brown is asking the Board to "make all policy and procedure changes subject to an official vote of the Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

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

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	
Administrator's Approval			

Staff Notes:

EXHIBIT A

COMMISSIONER BROWN'S MEMO

Fayette County
"Where Quality Is a Lifestyle"
140 Stonewall Avenue West, Ste 100
Fayetteville, Georgia 30214
Phone: 770-305-5200
www.fayettecountyga.gov

MEMORANDUM

From: Commissioner Steve Brown

Date: March 6, 2015

To: Board of Commissioners

Cc: County Administrator

Subject: Official declaration that the Board of Commissioners approves all policy and procedure changes by vote at BOC meetings (March 26, 2015 Board of Commissioners meeting agenda)

Chairman and Commissioners,

At the April 5, 2013 Board of Commissioners Retreat, there was a consensus opinion to allow the County Administrator and several other top staff members to change county government policy and procedures at-will without official approval of the Board of Commissioners.

Prior to the retreat, the talk around the policy and procedure changes was certain policies were not in alignment with what was deemed good operating procedure, requiring a number of changes. Staff was be allowed to facilitate some of those changes, promising to keep the Board informed.

At the retreat, the commissioners were informed that proposed changes would be emailed to the Board, and if any one Commissioner had a problem with the proposed changes then the issue would be placed on the next available agenda for consideration.

Several problems have arisen from this process. Red-lined revisions were not sent on most policy and procedure changes to the Board. In several instances, challenges arose to potential changes and the items were never placed on a meeting agenda for a vote.

Finally, the Board of Commissioners is ultimately responsible for the policies and procedures of the county government and the actions derived from the consensus opinion at the 2013 retreat created an erosion of accountability issue. This environment opens the door to government corruption and citizen distrust which is not desired.

I ask that we act to make all policy and procedure changes subject to an official vote of the Board of Commissioners to promote both accountability and transparency.

EXHIBIT B

APRIL 25, 2013 BOARD OF COMMISSIONERS MINUTES

CONSENT AGENGA #7

Nonconforming Status (LNS) rezoning procedure. Commissioners Ognio and Barlow seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request and Ordinance 2013-02, identified as "Attachment 5", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Henry Dickerson: Mr. Dickerson submitted a written petition against the Stormwater fees to the Board, which was signed by many of the residents living near Lake Horton. He questioned the need for residents to pay Stormwater fees when their water runs into Lake Horton, questioned how the collected funds were being spent, and suggested that the Board would not be reelected since nobody in Fayette County was happy about receiving a Stormwater bill. A copy of the written petition, identified as "Attachment 6", follows these minutes and is made an official part hereof.

Lee Hearn: Mr. Hearn questioned the Board's transparency in the following areas: 1) LOST renegotiations and agreements, 2) Approval of Cigna as the employees' new health insurance provider, 3) the Board "sticking it to the employees" by taking away health insurance benefits; 4) removing public safety personnel from the Pension Board, 5) not informing the citizens about how they want to address roads for Fayette County's future and potentially exposing Fayette County due to decisions made about the intersection of West Fayetteville Bypass and State Route 92, and 6) not maintaining the rural character of Fayette County by rezoning land for Pinewood Studios. Mr. Hearn closed saying his family has paid taxes into Fayette County for over 100 years, that he has a deep love for Fayette County, and that was why he would continue coming to the meetings.

Wayne Kendall: Mr. Kendall said he wanted to talk about Commissioner Ognio's item at the April 11, 2013 meeting concerning referring former County Attorney Scott Bennett to the State Court Solicitor Jamie Inagawa. He pointed out that Mr. Inagawa had previously sued Fayette County, and in doing so he had hired Mr. Richard P. Lindsey as his attorney. He said that Mr. Lindsey was the same attorney Mr. Bennett allegedly hired to sue Fayette County, so there could be a conflict of interest. Mr. Kendall suggested that the Board of Commissioners could call for a civil investigative grand jury to investigate several issues that he contended were still lingering. Mr. Kendall then enumerated those outstanding issues that he thought should be investigated. He then repeated that the Board could call for a civil investigative grand jury, and he explained how the process could work.

Frank Gardner: Mr. Gardner said at the last meeting he said something about the parking at Lake Horton. He publically thanked Water System Director Tony Parrott for calling him and explaining the situation to him. He said he had to admit that if he was sitting in Mr. Parrott's seat, he would likely make the same decision. He thought coming to the Board meeting and expressing his opinion and getting feedback was good, and he thanked the Board for that.

CONSENT AGENDA:

Commissioner Barlow moved to accept the Consent Agenda. Commissioner Ognio seconded the motion.

Captain Doug Morris, who has served as a Fayette County firefighter for 27 years, spoke in opposition to Consent Agenda Item 7. He specifically commented on the portion of the Consent Agenda pertaining to the loss of retirement benefits. His three main points were: 1) the benefit retirement was in existence before the Defined Benefit Plan was put into place, and it was part of the decision people used to switch to a Defined Benefit Plan, 2) removing the retirement benefit would specifically target long-term, loyal employees, and 3) this action would compel public safety workers to remain on the job until they were 65 years old, and that there were problems with having active police officers and firefighters who are that old. He implored the Board not to remove the retirement benefits.

County Administrator Steve Rapson largely agreed with Mr. Morris, but added that keeping the benefit in place created a large fiscal impact, and he explained the nature of fiscal impact.

Commissioner Oddo said he appreciated Mr. Morris' concerns, but that there were many things he wanted to have but could not afford to have. He said he wanted to do many things but did not have the funding to do so. He added that the Board has responsibility to the taxpayers and to the staff, but it also has a fiduciary responsibility that cannot be ignored.

Mr. Rapson spoke about two benefits the County has enacted to replace the outgoing benefit; namely, the ability for County employees to purchase family health insurance at the County's rates and to participate in a Health Savings Account (HSA).

Chairman Brown said there were no easy decisions, but that the County was in a real bind. He said the Board did not take pride in taking anything away from anybody. He said the County is in a really bad situation, and that the Board had opportunities to do things years ago when both he and Commissioner McCarty were on the Board, and those requests were voted down each time. He said the County is where it is, that the Board promised its constituents that it would provide a balanced budget, and that the County would do whatever it takes to get to the balanced budget. He said this action had nothing to do against anybody who is employed with the County but that the constituents are the number one responsibility.

The motion to approve the Consent Agenda passed 4-0 with Commissioner McCarty being absent.

5. Approval of Finance policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

6. Approval of Human Resource policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

7. Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to award Bid #873- Grass Mowing Services to Star Valley Landscapes Solutions, BeautyScapes Management, Inc., and TrueGreen Landcare, LLC., at an aggregate amount of $83,390.80, and authorization for the Chairman to sign related contracts. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

9. Approval of the April 5, 2013 Board of Commissioners Retreat Minutes and the April 11, 2013 Board of Commissioners Minutes.

OLD BUSINESS:

NEW BUSINESS:

EXHIBIT C

APRIL 25, 2013 BOARD OF COMMISSIONERS MINUTES

CONSENT AGENGA #7 SUPPORTING MATERIAL

ATTACHMENT 9

COUNTY DEPARTMENT AGENDA REQUEST

Department:	Administration	Presenter(s):	County Administrator Steve Rapson
Meeting Date:	April 25, 2013	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and Human Resources Director; and to delegate the authority to amend Finance policies and procedures to the County Administrator and Chief Financial Officer.

Background/History/Details:

Both the Human Resource and Finance policy and procedures were amended as part of the annual Fayette County Board of Commissioner Retreat. This delegation of authority will enable the County Administrator and respective Department Head to make changes to the existing policy and procedures in a timely and more efficient manner.

Any policy and procedures will be sent via e-mail to all Board of Commissioners for their input prior to being implemented.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and Human Resources Director; and to delegate the authority to amend Finance policies and procedures to the County Administrator and Chief Financial Officer.

If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	No

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval			

Staff Notes: