

## BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

February 10, 2022  
5:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

### Call to Order

Chairman Lee Hearn called the February 10, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Chairman Lee Hearn

Chairman Lee Hearn offered the Invocation and led the Board and audience in the Pledge of Allegiance.

### Acceptance of Agenda

Commissioner Oddo moved to accept the agenda as written. Vice Chairman Gibbons seconded. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

#### 1. **Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2021 annual audit.**

Gregory Chapman with Nichols, Cauley & Associates, LLC provided the Board with an overview of the results of the Fiscal Year 2021 annual audit. Mr. Chapman advised the Board that Nichols, Cauley & Associates, LLC was an accounting firm with a local branch serving Fayette County. He stated that the responsibility of the audit was to render an opinion on the financial statements. He stated that they performed audit procedures to determine that the financial statements were reasonably stated in accordance with Auditing Standards Generally Accepted in the United States of America (GAAS) and Government Auditing Standards (GAS). He stated that Nichols, Cauley and Associates does review and consider the internal control structure of the County in rendering their opinion, but do not render an opinion of the County's internal control structure. He stated that they did assist with the preparation of the basic financial statements, but they were the responsibility of the County's Management to review and analyze. He continued that the audit was an unmodified "clean" opinion on the basic financial statements, presented fairly in accordance with accounting principles generally accepted in the United States of America (GAAP). Mr. Chapman stated that a few required communications was provided to the Board via letter but added that the significant accounting policies used by the County are described in Note 1 to the basic financial statements. In considering the polices used by the County, he noted the policies were in accordance with generally accepted accounting principles and similar government organizations. He stated that the County used various estimates as part of its financial reporting process including valuation of accounts receivable (recording an allowance for uncollectible accounts) and pension and OPEB actuarial assumptions. Management's estimates used in the preparation of the financial statements were deemed reasonable in relation to the financial statements taken as a whole. Mr. Chapman stated that he considered this information and the qualitative aspects of management's calculations in evaluating the County's significant accounting estimates. He stated that the financial disclosures were also reviewed and the notes to the financial statements were

an integral part of the process used by management to accumulate the information included in the disclosures was the same process in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of the audit. Mr. Chapman continued in discussing required communications, stating that as it related to the relationship with management, they received full cooperation from the County's management, staff, and others. He stated that there were no disagreements with management on accounting issues or financial reporting matters. Mr. Chapman stated that there was audit adjustment proposed to the records of the County and had been recorded in the County's financial statements. He stated that the adjustment was not due to an error but came to light after the closure of the year. He stated that there were no passed audit adjustments. Mr. Chapman stated that as a part of the audit they do get representations from management, where they requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested. In accordance with American Institute of Certified Public Accountants (AICPA) standards, Nichols Cauley & Associates, LLC was independent with regard to the County and its financial reporting process. He noted that there were no fees paid to Nichols Cauley for management advisory services during fiscal year 2021 that might affect our independence as auditors. Mr. Chapman briefly outlined the financial highlights discussing various trends as it related to property tax, Local Occupational Sales Tax (L.O.S.T) and the millage rate.

Commissioner Maxwell stated, as a point of transparency, that Nichols Cauley & Associates, LLC also prepared his taxes. He noted that he was not a part of the selection process in choosing the firm to perform the County's audit but wanted to disclose this to the Board and the public, so all were aware.

**PUBLIC HEARING:** None.

**PUBLIC COMMENT:**

**Joan Perry of Peachtree City** stated that she wanted to learn more about how the County and cities prepared for the Special Purpose Local Option Tax (SPLOST).

Chairman Hearn stated that County Administrator Steve Rapson was the person to contact and would provide her with that information.

**CONSENT AGENDA:**

Vice Chairman Gibbons moved to accept the Consent Agenda as written. Commissioner Oddo seconded. The motion passed 5-0.

- 2. Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2023, which begins July 1, 2022 and ends June 30, 2023.**
- 3. Approval of the Water Committee's recommendation to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for a rowing scrimmage on March 12, 2022.**
- 4. Approval of a request from Fayette County Juvenile Court to accept a supplemental grant award from the Criminal Justice Coordinating Council in the amount of \$72,379.00 for the Juvenile Justice Incentive Grant.**
- 5. Approval of the January 27, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

- 6. Reconsideration of an ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee. This item was tabled at the December 9, 2021 meeting.**

Human Resources Director Lewis Patterson stated that this item was tabled at the December 9, 2021 meeting and he was available to answer any questions or concerns from the Board.

Chairman Hearn asked for a brief outline of where the discussion of the Retirement Committee ended at the December 9, 2021 meeting.

Mr. Rapson stated that page #3 of the proposed Retirement Committee ordinance outlined the most significant change to the Committee which was the designation of an ex-officio member from the Board of Commissioners, who would serve as Chairman of the Committee.

Commissioner Maxwell moved to adopt the ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee as recommended. Chairman Hearn seconded.

Commissioner Oddo stated that he was not sure this committee needed an ex-officio member. He stated that the Board had decided to remove Commissioners from committees, boards, and authorities. He stated that from his perspective the Commissioners, as elected officials, would always have influence with anything pertaining to the county. He stated that this was a committee for the staff and essentially their funds that they would make decisions regarding. Commissioner Oddo stated that he does not understand why there needed to be an ex-officio member to help run the meetings. He added that these meetings were open to the public and if a Board member wanted to, they were welcome to sit in on a meeting to hear what was being discussed. He added that he could not support keeping Commissioners on the committee.

Commissioner Rousseau stated that he was a member of the Association County Commissioners of Georgia (ACCG) Defined Benefit Board of Trustees and asked Mr. Davenport if it would create any conflict if he weighed in on this discussion.

Mr. Davenport stated no, there would be no conflict.

Commissioner Rousseau stated in response to Commissioner Oddo's comments that he offered an ordinance that Commissioners would not serve on committees and other than the Transportation Committee that was already created at that time, there was a policy in place to that effect.

County Administrator Steve Rapson confirmed that was correct.

Commissioner Rousseau stated that other than boards, committees, and authorities that were mandated by the State, the Board decided that commissioners would not serve on committees. As a result, if approved the Board would be in violation or "running a foul" of said policy or position. Commissioner Rousseau added that he was also troubled by the proceeding item where the Board would be removing members, as a result. If approved, the Board would be duplicitous and/or double-minded in their position. Commissioner Rousseau stated that he had concerns and would prefer the Board remain consistent in their position.

Commissioner Maxwell stated that he took interest and sat on the Retirement Committee during his first term serving as a commissioner although not as formal as it was now. He stated that the County did not have the same retirement plan that was in place today. He noted that the retirement plan/committee was created during the first time he served as a commissioner, and he liked to think that he helped make that possible. Commissioner Maxwell stated that he felt that at times staff was reluctant to present before the Board and having the support of a commissioner was beneficial. Commissioner Maxwell stated that during the six years he did not serve on the Board another Commissioner served on the committee, but he found it interesting that the Commissioner who served on it was now in disagreement with a commissioner sitting on the committee. Commissioner Maxwell stated that this committee was something special to him. He added that he had attended training and had a desire to continue to serve on the committee. He stated that he proposed making the Commissioner an ex-officio member and although this member could not vote they would still be a part of the discussion. He added that he did have a vested interest in the committee because he had contributed every dollar earned in this position to the retirement plan. Commissioner Maxwell reiterated his continued interest and desire to serve on the committee. He concluded stating that in his opinion it would not be a good move to not have a Commissioner on the Retirement Committee.

Commissioner Oddo stated in response to Commissioner Maxwell's comments that he was the Commissioner who previously sat on the Retirement Committee. He stated that since serving on the Board he had advocated that commissioner not serve on

committees, board, or authorities and he had not changed that position. He stated however, that when a committee was formed that had Commissioners as a member, he was willing to serve. He reiterated that he still felt that commissioners should not serve on committees, board, or authorities that would in turn provide recommendations to the Board of Commissioners for approval. He stated that he also had a financial interest in the retirement plan, but it was a plan primarily employee driven. He concluded stating that in his opinions regarding the Retirement Committee was not personal, but his position remained the same since he was elected.

Commissioner Maxwell moved to adopt the ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee as recommended. Chairman Hearn seconded. The motion failed 2-3, with Vice Chairman Gibbons, Commissioner Rousseau, and Commissioner Oddo voting in opposition.

Commissioner Maxwell moved to dissolve the Retirement Committee. The motion failed due to the lack of a second.

Chairman Hearn asked how a chairman would be selected by the Retirement Committee, if approved.

Mr. Davenport stated that via a brief review over the current ordinance, the language that was stricken because the ex-officio member was added would be unstricken, this language noted that a chairman would be selected by the members of the committee. He added that in the quick analysis of the ordinance he did not see anything of a substantive nature that would be negatively impacted because of this change.

Commissioner Oddo moved to approve the ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee, except for the ex-officio member. Vice Chairman Gibbons seconded. The motion passed 4-1, with Commissioner Maxwell in opposition.

**7. Reconsideration of an ordinance amendment to the membership of the Fayette County Transportation Committee. This item was tabled at the December 9, 2021 meeting.**

Public Works Director Phil Mallon stated that this item was regarding an ordinance amendment to the membership of the Fayette County Transportation Committee which was also tabled at the December 9, 2021 meeting. He stated that the draft ordinance before the Board outlined the removal of the two Commissioner positions that served on the Transportation Committee and replaced them with one county staff position and one county citizen position and made a prohibition against any elected officials sitting on the committee. Mr. Mallon stated that the Transportation Committee also forwarded the Board a letter outlining their recommendations regarding the membership of the Transportation Committee.

Chairman Hearn stated that elected officials were welcome to attend the Transportation Committee meetings, but they would not be voting members of the committee.

Mr. Mallon stated that was correct.

Vice Chairman Gibbons moved to approve the ordinance amendment to the membership of the Fayette County Transportation Committee. Commissioner Rousseau seconded.

Vice Chairman Gibbins asked what the new membership would consist of, if approved.

Mr. Mallon stated the committee would consist of the five representatives- one from each of the municipalities, three county staff members, two county citizens members, and a representative from the Sheriff's Office totaling eleven members.

Commissioner Rousseau stated that he felt this was an instance of an unintended consequence that Commissioner Maxwell spoke about when referencing when an ordinance/policy would sometimes hurt the Board, when followed. He stated that this was one of the few times that he felt the county and municipalities could come together on something that is critically important towards the quality of life and vitality of the community i.e. transportation. He stated that by all accounts the Transportation

Committee made up of the varying jurisdictions were able to work together and were able to identify priorities and potential funding and present recommendations before the Board for approval. He stated these were critical components to success and the committee was a great sitting for the jurisdictions to forge a common ground in developing a stronger community. Commissioner Rousseau stated that he was troubled with the decision to change the membership composition but with the varying subject matter experts taking the lead, he hoped to continue to receive recommendations that would build and develop the community as it relates to transportation. He stated that he also had concerns that the Board was being duplicitous in their handling of the different committees. He concluded stating that while he enjoyed the Transportation Committee and the engagement of the County's municipalities as well as citizens, he was troubled that the County's policy and position may change that dynamic.

Commissioner Oddo stated that he basically agreed with comments made by Commissioner Rousseau regarding the Transportation Committee. He stated that his position had always been that commissioners should not serve as members on committees or boards that were created by the Commission and were expected to make recommendation back to the Board of Commissioners. He stated that other elected officials do not concern him. The objective of the committee was to bring the jurisdictions together to discuss issues that affected the entire county and enabled the County to develop a stronger community. Commissioner Oddo stated that it was not his intent to have no elected officials serving on the Transportation Committee. He stated that it was the Commissioners membership he had concerns with, and his goal was to maintain an arms lengths relationship and have a neutral opinion when recommendations were presented before the Board. Commissioner Oddo also stated that the Transportation Committee had helped forge a great working relationship with the Georgia Department of Transportation (GDOT) that was invaluable.

Commissioner Rousseau stated that although he agreed with Commissioner Oddo's statements in principle, he was not an advocate of having other elected officials "in the room" or "at the table" with County staff exposed to their influence.

Vice Chairman Gibbons moved to approve the ordinance amendment to the membership of the Fayette County Transportation Committee. Commissioner Rousseau seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Maxwell voting in opposition.

### **NEW BUSINESS:**

### **ADMINISTRATOR'S REPORTS:**

- A. Contract #1867-P: Water System Engineer of Record Task Order 22-01: FY22 On-Call Support Services Change order 1: increase funding**
- B. Contract #1867-P: Water System Engineer of Record Task Order 22-09: Hoseless Solids Collection System Services During Construction**
- C. Contract #1477-S: Carbyne Public Safety Ecosystem Renewal 1**

### **ACCG Civic Affairs Internship Grants**

Mr. Rapson advised the Board that they had received notice that the County had been awarded three ACCG Civic Affairs Internship grants which include grants to the Solicitors Office, the Water Systems, and State Court for the summer of 2022.

### **Region 6 Mental Health Board Selection Committee**

Vice Chairman Gibbons moved to approve Commissioner Rousseau and Commissioner Oddo to serve as the selection committee for the Region 6 Mental Health Board Selection. Commissioner Maxwell seconded. The motion passed 5-0.

### **Development Authority Selection Committee**

Commissioner Oddo moved to approve Vice Chairman Gibbons and Commissioner Rousseau to serve as the selection committee for the Development Authority. Commissioner Maxwell seconded. The motion passed 5-0.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item for Executive Session. The review of the Executive Session minutes for January 13, 2022.

**COMMISSIONERS' REPORTS:**

**Commissioner Maxwell**

Commissioner Maxwell stated that he received a disturbing phone call today regarding the recent passing of former Commissioner Scott Burrell. He stated that Mr. Burrell was a good guy and added that when he was first elected, he reached out to Mr. Burrell who helped him with being a commissioner, which he greatly appreciated that. Commissioner Maxwell stated that he was sorry he was gone and extended his condolences to the Burrell Family.

**Chairman Hearn**

Chairman Hearn stated that Mr. Burrell was a Commissioner on the Board when he was hired as the Public Works Director. Commissioner Hearn relayed a brief memory of Mr. Burrell and added that he had always found him to be very positive with a good sense of humor, fair and reasonable.

**Commissioner Rousseau**

Commissioner Rousseau stated he and his family extended their condolences to the Burrell Family.

Commissioner Rousseau recognized Caleb Adams of Sandy Creek High School who was nominated and awarded the recognition of Distinguished Gifted Teen. He extended a "shoutout" and congratulations to Mr. Adams for a job well done.

He concluded stating that he was very proud of the County's favorable audit report, which was a direct reflection of how citizen funds were being properly handled.

**Vice Chairman Gibbons**

Vice Chairman Gibbons expressed his condolences to the Burrell Family.

He extended a congratulations to the Finance Department and Mr. Rapson on the favorable audit.

Vice Chairman stated that he had received a few calls over the last week or so from a caller claiming to be from the Department of Health, asking for his health information. He continued advising the public to be mindful of who you give your personal information too and to be very cautious of calls you may receive.

**EXECUTIVE SESSION:**

**One item the Executive Session minutes for January 13, 2022.**

**Approval of the January 13, 2022 Executive Session Minutes:** Commission Oddo moved to approve the January 13, 2022 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-1, Commissioner Maxwell abstained.

**ADJOURNMENT:**

Commissioner Gibbons moved to adjourn the February 10, 2022 Board of Commissioners meeting. Commissioner Oddo seconded the motion. The motion passed 5-0.

The February 10, 2022 Board of Commissioners meeting adjourned at 5:54 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman