

MINUTES

Cherokee County Board of Commissioners

October 2, 2012 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Commissioner Hubbard gave the invocation.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:06 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/Commissioner Karen Bosch; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify the closure of Executive Session at 6:00 p.m. Commissioner Nelms made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

PLEDGE OF ALLEGIANCE

"Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007"

Commissioner Nelms led the Pledge of Allegiance.

PRESENTATIONS

None Scheduled.

PROCLAMATION

None Scheduled.

AMENDMENTS TO AGENDA

1. Under Chairman's portion: Consideration of changes to RRDA Board and timing thereof.

2. Under County Attorney's portion: Discussion of appointment to conduct forensic audit.
3. Under County Attorney's Portion: Consideration to draft a letter to the GBI.
4. Under Announcements: Cherokee Friends of Recovery Fundraiser Event, Twilight Fun Run.

Commissioner Bosch made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

ANNOUNCEMENTS

1. ELECTRONICS RECYCLING DAY SATURDAY OCTOBER 13, 2012

9:00 a.m. – 1:00 p.m. at Cherokee Administrative Building
1130 Bluffs Parkway, Canton, GA 30114

Commissioner Hubbard spoke about the recycling event, asking everyone to bring out their old monitors, boom boxes, etc. and keep these items out of the landfills. He said that volunteers will take it out of the car when you pull up.

2. Voting Dates, Times & Locations

Oct. 15 – Oct 26

8:30-5:00 (M-F)

Cherokee County Elections Office

400 E. Main Street

Canton, GA 30114

Open to ALL Cherokee County registered voters!

(one location ONLY)

Oct. 27

8:30-4:00 (Saturday)

Cherokee County Elections Office

400 E. Main Street, Canton, GA 30114

Ball Ground Public Library

435 Old Canton Rd., Ball Ground, GA 30107

Hickory Flat Public Library

2740 East Cherokee Dr., Canton, GA 30115

Rose Creek Public Library

4476 Towne Lake Parkway, Woodstock, GA 30189

Woodstock Public Library

7735 Main Street, Woodstock, GA 30188

Open to ALL Cherokee County registered voters!
(Five locations)

Oct. 29 – Nov. 2

8:30–7:00 (M-F)

Open to ALL Cherokee County registered voters!

All Five locations – see addresses above.

Nov. 5 (Monday) NO VOTING

Nov. 6

ELECTION DAY 7:00–7:00 (Tuesday)

All county precincts are open ELECTION DAY

You must vote at your assigned precinct.

Check your voter precinct card or call the Elections office at 770-479-0407 for your polling location.

3. Amended: Cherokee Friends of Recovery Fundraiser Event:

Twilight Fun Run F.O.R. Cherokee - Saturday evening, October 27, 2012. A 5K Run/1K Fun Run/Walk at Hobgood Park, Woodstock, Georgia. Sponsorships available and appreciated.

Registration information is available at the table outside of Cherokee Hall and online at www.cherokeefor.com.

Chairman Ahrens added that he and Don Stevens who is on the Friends of Recovery Board sent a letter to the Mayors asking for community support in this event. He added that sitting through a DUI/Drug Court graduation is compelling to listen to the stories and that is terrific what it does for the community. On a lighter note, he said that those registering by October 15 would receive a free glow in the dark T-shirt!

APPROVAL OF EXECUTIVE SESSION MINUTES FROM SEPTEMBER 18, 2012.

As distributed by the County Manager.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

APPROVAL OF WORK SESSION MINUTES FROM SEPTEMBER 18, 2012.

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM SEPTEMBER 18, 2012.

Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

PUBLIC HEARING

None Scheduled.

PUBLIC COMMENT

1. Tom Ware signed up to speak about the RRDA Board. He feels the Commissioners should remain on the Board and add three additional non-elected members.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Amended: Consideration of changes to RRDA Board and timing thereof.

Chairman Ahrens said that different approaches regarding changes to the RRDA Board, such as timing and participation level were discussed at Work Session and that the Board was ready to set this going forward with some clarity. He then asked for discussion from the Commissioners. Commissioner Johnston said that his suggestion had been to make the change as soon as we can recruit three new members to replace three board members and to do so before we make the decision on a new lease with a new operator. He added that the downside to adding new members now is that they may need more time to get up to speed than they actually have and that they may or may not see the cold reality that the Board has come to see that we may get less than 100% on dollar. He said he also saw the risk of possible interruption in the opportunity to come to a new deal with a new operator. He said that in his mind, the risk was not as great as the harm in the public's mind that we need a majority of independent people to have a say in this decision. He said that the approach of a transition as suggested at the Work Session was close to what he had in mind and that he was open to that compromise.

Chairman Ahrens said that he had made the suggestion at Work Session so he would restate it. He said that at the last meeting he made a statement of principal, that they would move to a majority of non-elected members and would keep the same number of members for the time being, which would be a minimum of three non-elected members. He said the timing he was proposing tonight is two to three pieces: Make the transition to add the three new members on January 1, 2013 or whenever a contract was signed, whichever was sooner; transition, like other authorities, to a five member citizen board by July 1, 2013; seek now to identify the candidates for the first three appointees and form an advisory group (or council/committee etc.) and let them be a part of the process. That way they could assist during the contract process while on their learning curve, then be ready to step in on January 1, 2013.

Commissioner Bosch asked if the Advisory group would cease to exist after the members stepped in on January 1. The Chairman replied that they could fill in with new members as others moved on to the RRDA Board until July when the transition was complete. Commissioner Johnston said that the difference in his suggestion is that advisory members would not be officially voting members, but if they felt strongly against something the Board was suggesting, the Board would back-up and take a closer look. He said that the end result would be basically the same as having outside assistance. Commissioner Nelms commented that he also was in agreement to this approach because it does meet the end result.

Commissioner Bosch said that the next step then is to put out a request to recruit the new members. She suggested that part of the criteria for candidates be a background in Economic Development or other background that would be helpful in this area. Commissioner Johnston commented that a business background would be beneficial, and especially important is to get someone with an open mind that does not have an ulterior motive or axe to grind.

Commissioner Hubbard suggested that the Chairman stay on the RRDA Board and also Commissioner Johnston because, although he has offered to step down, he has followed this from day one.

The Chairman summarized the discussion on the proposed transition plan.

Commissioner Bosch asked if that was a motion. Chairman Ahrens replied that it was a motion to approve moving forward with the transition of new RRDA Board members; Commissioner Bosch seconded and there was unanimous approval.

Commissioner Johnston restated the motion: Over a period of between now and July of next year, the Board will move to an all outside five-member RRDA Board. The first step is to recruit three new members to initially serve on an Advisory Board who would presumably be appointed to the RRDA Board on January 1, 2013 (first meeting in January) or sooner if a contract is signed.

Commissioner Hubbard suggested that they ask for interested candidates to send a short resume and willingness to serve to the Chairman or any of the Commissioners so that they could get moving.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider final acceptance of all public rights-of-way, roadways and appurtenant draining structures in the Woodmont Subdivision Units 11A, 11B and the Grove.
- 1.2 Consider final acceptance of all public rights-of-ways and appurtenant drainage structures in the Centennial Lakes Subdivision – Pod 1.
- 1.3 Consider authorization to surplus and dispose of old Fire-ES fire ladders and inoperable air cylinders through an aluminum recycling center.

Commissioner Bosch has Mr. Cooper to restate his explanation from Work Session of why the items were being disposed of. Mr. Cooper replied that it was because ladders are tested and over a period of time they weaken and rather than take a risk of safety, they replace them. He said the air cylinders are similar in that as they get older, they are not as dependable.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

COUNTY MANAGER

- 2.1 Consider approval to set a public hearing for October 16, 2012 at 6:00 p.m. at Cherokee Hall to hear public comments about the FY 2013 budget.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

- 2.2 Consider approval of Contribution Agreement for the cost sharing partnership to facilitate the implementation of planned conservation practices between the County and Canton Field Office of the USDA Natural Resources Conservation Service (NRCS).

Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

- 2.3 Consider approval and award of bid and contract with the most responsive bidder, Consolidated Telecom of Dallas, TX, for telephone service and equipment for use by the inmates of Cherokee County Adult Detention Center.

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

Commissioner Johnston commented that there is no cost to the County for this service.

- 2.4 Consider approval and award of bid and contract with the most responsive bidder, A&S Canteen of Stockbridge, GA, for the commissary services and equipment for use by the inmates of the Cherokee County Adult Detention Center.

Commissioner Hubbard made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

- 2.5 Consider approval to renew the contract with Trinity Services Group, Inc., of Oldsmar, FL, for food service to the inmates and staff of the Cherokee County Adult Detention Center. Trinity has agreed to provide the same level of service for the next 12 months for an increase of only two cents per meal. The increase will not result in the need for an increase in budget.

Commissioner Johnston made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

Commissioner Bosch asked if the inmates cooked, and also what Trinity provides. Major Johnston replied that their services included providing food and supervision.

Commissioner Hubbard thanked the Sheriff's Office for negotiating this contract so well and Commissioner Johnston agreed that it was a really good deal.

2.6 Consider approval to renew the contract with Correct Health of Stockbridge, GA, for medical services to the inmates of the Cherokee County Adult Detention Center in the amount of \$1,756,889.20. This cost includes an increase requested of \$10,000.00 over last year's contract to help cover the rising medical expenses; however, the increase will not result in the need for an increase in budget.

Mr. Cooper went over the details of the renewal and added that the Sheriff has not asked for a budget increase to cover this, they will absorb the associated cost.

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

2.7 Consider proposal and contract from only bidder, Georgia Power, to supply permanent power to the Cherokee County Aquatic Center and authorization for the County Manager to execute power easement required for underground power.

Mr. Cooper went over the contract details and reminded everyone of the Work Session discussion where it was mentioned that Cobb EMC declined to bid.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded. Commissioner Johnston recused himself from voting because he is employed by an affiliate company of Georgia Power. The motion was approved with a vote of 4 to 0.

Commissioner Nelms commented that the electricity for the site would be primarily for lights and HVAC and that the primary source for heating the pool would be natural gas. Commissioner Bosch added that the project was \$500,000.00 under budget.

COUNTY ATTORNEY

B. Amended: Consideration of draft letter to GBI

The Chairman recommended addressing item "B" first. He stated that adding this item to the agenda tonight was followed by the last meeting from the resolution which stated included reference to a letter to the GBI, but it did not say when. He said that he and Commissioner Johnston had a meeting this morning with the committee of the Grand Jury and that the discussion was very productive. He noted that District Attorney Garry Moss and at least two other Grand Jury members were in attendance tonight. He said that under the guidance and suggestion of the DA, he and the County Attorney will meet with the District Attorney to discuss this agenda item and several other aspects including the next agenda item, the forensic audit. He said he therefore recommended postponing any communications to the GBI until further notice, until they have further discussions and a better understanding of both process and expectation. He said that what he was basically calling for tonight was no action. Commissioner Johnston added that at least

one other reason to post pone action has to do with the forensic audit. He said that they have had some advice that without the results of a fairly thorough audit, the GBI will likely say they don't have enough to warrant their involvement, so it may make more sense to proceed with the audit first and then a request to the GBI. Note that Angie Davis commented at Work Session that the advice had not come directly from the GBI.

Ms. Davis said that a motion to table the item would be in order. She said that the interest of adding this item to the agenda tonight comes from the previous meeting where there was a lot of public comment and the public seemed to be clamoring for the Board to open this up to anybody and everybody to take a look. She said that was also the intent by the reference in the resolution inviting the GBI to do an investigation. She said that after further discussion about timing and dynamics, she recommends to table the item. She said for the record that the Board believed they were acting based on some public interest for the Board to be forthcoming in that way with law enforcement agencies for review.

Commissioner Bosch asked the Chairman about the timeframe for those discussions to take place in order to let the public know the plan. Chairman Ahrens said they would take place as soon as they could get on respective schedules and possibly even tomorrow after the lengthy deposition that he and the County Attorney were attending.

Commissioner Hubbard made the motion to table the item; Commissioner Bosch seconded and there was unanimous approval.

A. Amended: Discussion of appointment to conduct forensic audit.

Ms. Davis began the conversation by stating that this was discussed for probably more than an hour during Work Session. She said in essence, this is an effort on the Board's part to embrace the recommendations of the last Grand Jury and in the interest of what we understand to be the current Grand Jury and certainly a desire of the Board's since the onset of the default and these issues. She said that the County continues to struggle with the concern of what documents are available to us. She said that they are much further ahead in the bankruptcy process and referenced the deposition of Mr. Bobo taking place tomorrow as the Chairman had eluded to earlier. She said that the records they believe to be missing have still not been produced; they were not included in the 10,000 plus documents provided following the bankruptcy proceeding. She said that she felt the Board today has become quite reconciled in pursuing a forensic audit with the concept of supplementing with these additional records as they hopefully become available to us through this judicial process. She said the Board was considering how to go about it and who to retain, and seemed interested in the concept of Mr. Cooper preparing an RFQ in the interest of making it a very public process. She then opened the discussion for the Board to comment.

Commissioner Nelms stated his agreement with a forensic audit. He said that his understanding from the Work Session discussion is that Mr. Cooper would start the RFQ and let the selection process begin. Commissioner Bosch asked Mr. Cooper the time frame on getting that out. He replied that he would send out multiple drafts but would send a final draft out by mid next week. Commissioner Johnston said that the Board

might consider inviting those like the Sheriff's Office or DA's Office who may have used auditors in the past or may know someone who has, to assist in their efforts to know who to get the request out to and maybe to even suggest who they should select. He said that cost was discussed a little when they were with the Grand Jury and he had commented off the top of his head that it would probably cost at least \$20,000. He said now that they're talking about the possibility of some of the top firms in Atlanta, it could be double that or more.

Ms. Davis said that she wanted to bring out two points. The first one being that after conversations at Work Session and discussions with others including the DA and the Chairman, it seems that there may be some interest in who makes the determination to select the auditor. She said that our intent would be to pursue a selection process, gathering materials and qualifications in a public setting now, and at some point in the future, after more discussions and additional information is brought to light, they would decide who picks the auditor; whether it would come back to this Board to select, whether it be done in consultation with others or by someone else altogether. She said that the Board had expressed a complete willingness during the Work Session to be very open with the selection and that they all believe that kicking off the RFQ process is the best way to get the good information and to perhaps get the best financial deal for such an audit.

Ms. Davis said that the second point she'd like to raise was in reference to comments made in discussions at meetings and references in the resolution as well as comments by herself and otherwise on the Board. She said that she had spoken privately by email to DA Moss and Ms. Wallace, but would like to publicly apologize for any confusion related to the Grand Jury's assistance for the forensic audit or otherwise. She said that she wanted to clarify publicly that the Grand Jury does not have the ability under the current civil setting to use subpoena powers. She said that that type of assistance would be pursuant to a criminal process, independent of what the Board's focus has been, and that the Grand Jury is currently doing all they can to assist.

Commissioner Nelms stated that got the impression during the meeting with the Grand Jury that they were willing to make it a team effort to get this matter resolved.

Commissioner Bosch commented on the expectations of a forensic audit, and the possibility that it won't result in a final conclusion. She added that it was important that the public understands that this is something that's been requested and the Board is moving forward with it, but it could be money not well spent.

Commissioner Johnston commented that although \$20 to \$50 thousand is a lot of money, it is a small amount compared to what they hope to recover. He added that considering the \$1.8 million in back rent plus the damages they are seeking through the bankruptcy proceeding, he felt that if it increased our chances to recover that it was worth taking the risk. Commissioner Nelms commented that the Board's responsibility was to get the County paid and he agreed with taking the risk.

Commissioner Bosch made a motion to request the County Manager begin the RFQ for a forensic audit firm and that a draft to be out no later than mid-week; Commissioner Nelms seconded and there was unanimous approval.

By policy, minutes are not official until approved by the Board at a future regular meeting.

Angie said that was fine at this time.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 6:57 p.m.; Commissioner Bosch seconded and the motion received unanimous approval.