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CHEROKEE COUNTY
BOARD OF COMMISSIONERS
Work Session
October 16, 2012
3:00 p.m.
Cherokee Hall
MINUTES

The Chairman began at 3:06 p.m. with Commissioner Hubbard and Commissioner Johnston also present. Commissioner Bosch and Commissioner Nelms were absent and County Attorney Angie Davis was late, arriving at 3:15 p.m. The Chairman stated that for the motivational portion, he would like to speak about groundbreaking ceremony for the new Fire Training Center earlier today.

The Chairman asked Mr. Cooper to begin with the County Manager portion while waiting for Ms. Davis to arrive to speak about the Dangerous Dog Ordinance.

Mr. Cooper briefly went over the items on the **County Manager's** portion:

- Consider approval to accept an amendment to the construction contract with Catamount for the Law Enforcement Training Center for an increase of \$85,989.

Mr. Cooper explained that even with the increase to the contract amount, it is still significantly lower than the other two bidders. Commissioner Johnston asked what the changes were and Mr. Cooper responded that there is no change in the scope of work, but that the increase was due to a time lapse between the original bid offer and execution of the contract.

- Consider to extend the 2011-2012 Professional Services Agreement with CHN for continuing our wellness program. There are no charges associated with the

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extension. The Benefits Committee recommends extending contract through December and renewing a 1-year contract for calendar year 2013.

- Consider approval of clinical contract agreement with Northside Hospital to allow the new paramedic class to perform skills required for graduation and licensure in Georgia.

Mr. Cooper explained that there is no cost to the County associated with the agreement.

- Consider renewal of Professional Services Agreement with DECA, our software support and maintenance agreement for the recording equipment at the 9-1-1 Center in the amount of \$7,354.
- Consider approval to award Professional Services Agreement to sole bidder, Georgia Fire and Rescue Supply for firefighting helmets at \$178.25 per helmet, not to exceed a total of \$53,475.

Commissioner Johnston asked Chief Prather if the cost of the helmet was reasonable being as they were the sole bidder. Chief Prather replied that it was reasonable and that his staff had done a lot of research into the project as far as cost and type of helmet.

- Consider approval to surplus mobile home, garage, and screened porch located at 2261 Sixes Road (former Babb property) in order to expand parking and amenities for Blankets Creek Bike Trails.

The Chairman asked about the condition of the home. Mr. Cooper stated that it is a mobile home and if we sold it, it would be costly to move and that he recommended tearing it down and disposing of it.

- Consider approval of Policies and Procedures Volunteer Handbook for Recreation and Parks volunteers as approved by the Recreation and Parks Advisory Board in September of this year.

The Chairman asked if anything prompted the need for the handbook. Mr. Cooper explained that there were some inconsistencies internally and that he wanted a more comprehensive handbook to provide to volunteers, especially regarding child abuse reporting. He said that volunteers would be provided the handbook and necessary training. Commissioner Hubbard shared his experience in needing to go through an online training program for those who volunteer for Boy Scouts. Bryan Reynolds stated the Governor's office sponsors a company that offers a free online course for people who are mandated child abuse reporters. A change in state law

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prompted a closer look at their policy. According to state law, anyone who is a volunteer for any recreational program is automatically considered a child abuse reporter. The policy is intended to train those people and to explain the expectations of them.

Commissioner Johnston then asked what, if any, controversies might they hear about once this handbook is given out. Mr. Reynolds responded that one issue that came up was volunteers using county-owned equipment. The Saddle Club in particular had previously used county equipment, however, under the direction of the County Attorney, the handbook disallows this because the County is not protected nor are the volunteers protected while using our equipment per our insurance policy. So the new policy is that they cannot use county equipment but they can use their own. SORBA has a similar agreement to use their own equipment on the bike trails. Commissioner Johnston posed the question of what would be the problem of working something out that prevents the county from being held liable. County Attorney, Angie Davis, responded that she thought the last communication was Saddle Club would be allowed to use the equipment upon signing a waiver stating the County would be released of responsibility. Mr. Reynolds added that a volunteer is not protected if using a motor vehicle including tractors, backhoes, etc. Ms. Davis confirmed Mr. Reynolds statement. She further explained that typically, we would have sovereign immunity for any negligence or liability. However, to the extent of insurance related to automobiles, the state laws express we waive those immunities which covers tractors, graders, and all kinds of operational equipment on wheels. She added that to the extent the individual signs a waiver releasing the County of liability, that individual would be responsible. She stated that she thinks the best solution would be to not allow them to use the equipment. Mr. Cooper stated that even if a volunteer signed a waiver to use our equipment, if they have an accident and injure someone else, our policy would not protect us and does not include the possible damage to the equipment. Ms. Davis proceeded to say that if they hurt themselves, we get a waiver and release, but if they hurt someone else, they indemnify us and that she is not comfortable with it. She said it could compromise our coverage vis-à-vis third party claims, and furthermore, our policy would not cover a volunteer using our equipment on our property if they hurt somebody or damaged our equipment. Mr. Cooper mentioned that volunteer groups may have their own insurance policies and we could make each an individual issue on a case by case basis. Ms. Davis stated that would be more meaningful, but she would not be comfortable with it at this point. Mr. Cooper mentioned hopefully we can work something out between both parties. He said that he was meeting with our insurance representative to discuss the issue. Commissioner Johnston stated he would not like to throw up any kind of barriers to progress if there doesn't have to be and that if there is a way to work around the insurance issue, that would be good.

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The Chairman asked if more time was needed before approving the handbook. Commissioner Johnston said he heard all he needed to hear. Mr. Reynolds briefly mentioned other topics in the handbook such as training, enforcement of policies, background checks, expectations of conduct, and how they conduct themselves on our behalf as a volunteer. The handbook includes a written agreement with the County.

- Consider approval of Amendment One to contract dated June 1, 2004 with Schindler Elevator Corporation for additional 60-month term for a savings of \$1,915.14 per quarter annualized at \$7,660.56 after renegotiation by the Sheriff's Office. Three competitive quotes were received and Schindler provided the lowest monthly cost.
- Consider approval of forensic audit RFP.

Mr. Cooper explained that there are five potential firms, two who were recommended by the DA's office because those firms have worked with the GBI. The RFP contains guidelines that are clear and comprehensive for what we are looking for. Commissioner Johnston stated that he saw no reason why all five firms should not get the RFPs and others that may come up, if any. He also stated that this was a good start and they will come back with ranges of options to consider and that we need the best mix of what each firm will do for what price.

- **Amendment of the Dangerous Dog Ordinance**

The Chairman then asked Angie Davis to discuss revision of revision of ordinance for dangerous and vicious dogs. Ms. Davis said that the red-lined version of the Ordinance was included in the Agenda packet, and she went over the changes, asking Chief Marshal Collett to add any comments as necessary. Chief Collett said that changes in the State ordinance went into effect on July 1, 2012 and the County has been working on these changes in our ordinance in order to meet state conformance. He added that the amendment strengthens the enforcement options available for dangerous dogs. He stated there are two critical definition changes to the ordinance as well; from "dangerous" to "vicious" and from "potentially dangerous" to "dangerous." We can now classify any dog that kills another pet animal as a dangerous dog whereas before it applied only to bites to humans. Ms. Davis said that at the regular meeting tonight we will be calling for a Public Hearing to be held at the November 20th BOC meeting to receive public comment. She added that the amendment will ensure we are consistent with State law and will allow us to use more stringent measures when necessary and that it was appropriate to go ahead and put out for public consumption.

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Commissioner Johnston commented that the remedy is the requirement of the dog owner to obtain a very expensive insurance policy or the dog would have to be taken out of the County. He asked for the sake of clarification if a "dangerous" dog is one that has demonstrated that it will attack and has already done so. Chief Collett replied that the animal control officer can make the decision subject to appeal by the Animal Control Advisory Board. The officer will make a decision based on facts of the case, then it goes before the review board and can it can be upheld or overturned. He said that basically the definition change gives us more muscle to deal with the issue when dogs attack and kill other dogs. Commissioner Johnston confirmed that with the changes, we don't have to wait for them to actually attack, that we can take action if deemed necessary by the Animal Control Officer.

Commissioner Johnston asked for clarification of the terms "vicious" and "dangerous". Chief Collett confirmed that the term "vicious" was the worst case and "dangerous" means the dog is prone to potentially attack. Commissioner Hubbard restated that it could mean the dog is aggressive but has not yet attacked.

The Chairman then asked Ms. Funk to begin the presentation for the Public Hearing. He asked that the comments at the Public Hearing later at the regular meeting be confined to the three minute time limit due to amount of items to be covered in the regular meeting including the budget.

1. Presentation of FY2013 Budget by Janelle Funk.

Ms. Funk began by introducing various tools viewable on the County website, the Budget Overview and the Budget Book. She said that she will ask the Board to consider adopting the budget at the November 6th meeting. She reminded everyone that since the County changed the fiscal year, FY2012 is a short year and FY2013 will be the first complete 12-month fiscal year.

Ms. Funk continued stating that we are increasing the expenditure budget by \$3.1M or 1.6%. Our operating decreased, but capital projects increased. She said that remaining SPLOST V reserves will be spent on continuation of existing projects and that new projects would be from the renewed SPLOST 2012. Under "Operating," there is no new spending. It is just a change in funding sources which is why an increase is shown. EMS will have an increase in billing which means we have an increase in allowances. Parks and Recreation has a big increase largely from the Aquatic Center, which will be

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100% covered by user fees and contributions. The total proposed budget is \$115.7M, a decrease from 2012 of \$1.8M.

Capital all relates to Impact Fees, SPLOST, and the Parks Bond. SPLOST V projects include Library Facilities; Fire Department with a large amount for the Training Center; Parks and Recreation; Law Enforcement with a large portion for their training center; and Emergency Communication Systems. Spending will be completed in 2013.

The Chairman asked if the libraries had to be theoretically built in the next year and what is our commitment time-wise without losing funding from the state portion. Mr. Cooper mentioned that he had spoken with the library system and that an opening day would be sometime in 2014 and that they would first use the State funds and then the County funds toward the back-end of the project. The Chairman suggested that maybe a policy could be written to ensure that.

Ms. Funk continued stating that in FY2013, with the renewed SPLOST, projects would include Ambulances; Animal Control; Roads and Bridges; Law Enforcement; Emergency Communications; and the rest would cover the cities' portions and debt services.

The Parks Bond expected spending is \$18.7M and would cover Project Management and Administrative Costs; Blankets Creek Bike Trails; Waleska; Equipment; as well as City Parks and Recreation projects. The complete list can be found in the Budget Book on PB7.

Ms. Funk stated they made certain assumptions when budgeting for Revenues and Expenses. She followed the current millage rates to budget property tax revenue. She said that we assume we will collect 100% of the 2012 tax levy knowing some will be related to taxes levied from prior years. SPLOST is on track to collect \$31M this year. We budgeted for less in FY2013, but if we do collect more, it can go into the reserve account to be spent later in the project plan.

The Chairman asked if there was another decision on the Parks Bond piece for next year. Ms. Funk responded that it is tentatively planned for October 2013 (which falls in FY2014).

Ms. Funk referred to the presentation slide to further explain assumptions. This explains why the 2013 is budgeted differently from the 2012 Budget. Our 2013 Budget is less than 2012 Budget. Commissioner Johnston brought up the issue of the ad valorem tax and that it is going away in the spring, and how the State will make us come out whole according to the analysis. He added that it seems the risk is minimal and may be an upside risk. Ms. Funk stated she believed there is a minimal upside risk because the new tax, TAVT, is going to be on a broader base. So, right now there are no taxes on casual sales but there will be when this new program is implemented. The Chairman

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interjected that we have not attempted to show any change in that number, but basically there might be some off-set from the fees versus any loss on the ad valorem. Ms. Funk stated that a lot of the information she used for the analysis is based on good assumptions – but still assumptions. It might be a risk for next year, but not significant, assuming the educated assumptions would pan out.

Ms. Funk proceeded to state that one procedure used in validating each revenue budget is to compare amounts to prior budgets. She showed a comparison between the 2013 revenue budget and the 2007 actual budget. There were declines in all categories. Commissioner Hubbard offered a brief mention of the population growth in the County since 2007. Ms. Funk said that new programs beginning in 2013, the Aquatic Center which will be 100% funded by revenue and the Drug Court which will be funded by grants and fines; both of which have legal restrictions about how the funds are used. She stated that originally, they budgeted the Aquatic Center to lose about \$50,000 in the first year, but with the sponsorship program, it should cover that. She said we will also receive funding from one-time sources such as the pension credit and a \$2.1M reimbursement from SPLOST to the General Fund for previously purchased assets between 2006 and 2011, which would have qualified for SPLOST funding. Commissioner Johnston interjected that had we chosen not to do that, we would have had to raise property taxes.

Ms. Funk moved on to talk about “Headcount.” For the FY 2012 Budget, 37 FT positions were eliminated through an Incentivized Selective Retirement Plan (ISRP) and other reorganization changes. When the 2012 Budget was presented, we estimated these changes would generate a net annualized savings of \$1.0M. In FY 2013, the County increased budgeted headcount, mainly due to the Aquatic Center. None of the new headcount requires additional taxpayer funding. New headcount is either covered by Aquatic Center revenue, or grant funding/legally restricted fine revenue.

Ms. Funk went over changes in funds in each department, Workers’ Comp., fuel, natural gas, and water. She also stated the pension funding credit would help bridge the gap for the General Fund. She went on to cover employee insurance and benefits.

The Chairman commented that Commissioner Nelms is not present due to trying to close and important contract on the Gulf and Commissioner Bosch was unable to make it to the Work Session but would be at the regular meeting.

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The Chairman asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 4:52 p.m. Commissioner Johnston seconded and the motion carried unanimously.

Executive Session Followed