

CLAYTON COUNTY BOARD OF COMMISSIONERS

Special Called Meeting  
9:00 A.M.

June 27, 2013

M I N U T E S

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood. NOTE: Commissioner Singleton was absent.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Chaplain Stan Owen of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Turner.
3. Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to adopt the agenda as is. The motion carried 4-0.
4. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Linda Crawley-Simmons expressed her concerns regarding the Clayton County Human Resources Department not advising all employees of spousal retirement. She stated her husband did not receive information and instructions about his retiree benefits as well as the required forms that need to be completed. Mrs. Crawley-Simmons affirmed she was not against the one-time supplement to the Clayton County District Attorney, but she wanted the Board to make sure that the Human Resources Department is notifying all employees and not just some employees about their retirement benefits.

5. PRESENTATION: Proposed Annual Operating Budget for the Fiscal Year Ending June 30, 2014 (presented by Ramona Thurman, Chief Financial Officer).

Ramona Thurman, Chief Financial Officer presented the County's proposed FY-2014 Annual Operating Budget with amendments and referenced a PowerPoint chart as follows:

Ms. Thurman presented a chart that illustrated the FY-2014 Revenue Challenges of declining value to home prices as well as to revenue expected by the County.

Fiscal Year Budget	Average Sales Prices	Taxes Due to Commissioners
2013	\$50,351.00	\$173.75
2012	\$51,000.00	\$200.84

2011	\$55,000.00	\$218.78 (increased millage FY-2012)
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Ms. Thurman also presented a list of additional losses to the county:

- \$1.0 million – Discontinuing School Resource Officers (SRO) contract with Board of Education
- \$1.0 million - Department of Corrections reduced reimbursement

This year there will be no increase in millage due to renegotiated rates, as LOST credit is based on actual prior year collections. However, next year will be based on revised rate. Ms. Thurman could not say at this time the actual impact on the millage rate next year, but the additional losses have decreased county revenue approximately \$200,000.00 from \$1.2 million from the current year.

The information previously presented regarding property taxes was based on preliminary figures; since that time the tax digest has been locked down and the assessed values are actually better than originally projected. The net assessed value for this current year would be \$5.9 billion instead of \$5.8 billion. The base millage rate would remain the same 20.953 with a millage credit of 6.292 instead of 6.404, resulting in a net mill rate of 14.661 and generating approximately \$82.3 million on the digest.

FY-2013 used a 90% collection rate; the actual collection rate as of April was 92% and, in reviewing prior year figures, collections have ranged between 92-95%. The FY-2014 number is based on a 95% collection rate. Based on the assumption that the economy improves, homeowners have greater ability to pay their property taxes.

Based on these final figures, the County anticipates an estimated \$2 million in additional revenues.

As a result of the increased property values from the initial assessments, property tax revenue increased by \$1.9 million.

Regarding the Revenues/Property Taxes, Ms. Thurman stated that the current proposed budget represents about 47% of the budget at \$83.10 million. Other Taxes and Assessments represent about 27% (\$46.66 million); Licenses and Permits represent 3% (\$5.18 million); Intergovernmental Revenue 2% (\$3.46 million); Charges for Services 14% (\$24.19 million); Fines and Forfeitures 3% (\$5.18 million); and Other Revenues/Sources 4% (\$6.91 million).

Other Revenues/Sources include the use of \$5 million of reserves to balance the budget (actual revenues are \$169 million).

total of requested expenses of \$189.3 million. After the hearings, expenditures were down to \$182.3 million. The amended budget for this year is currently at \$192.4 million and the 2014 proposed budget is at \$174.7 (million). So the County had to somehow find a way to come down from the \$189.3 million that was requested down to the \$174.7 (million) that it anticipated being able to fund with the current year's revenues.

There was a decrease from 182.3 million initially after the budget hearings to the \$172.8 million to reduce an original budget deficit of \$12.8 million upon verification of figures and a discussion of reductions.

Personnel Services make up about 64% of the budget at \$112.5 million; Operating Expenses make up about 31% (\$53.6 million) of the budget; Capital Outlay 1% (\$1.7 million); Debt Service 1% (\$1.7 million); and other Financing Uses 3% (\$5.2 million). An amount of \$1.9 million was added back to restore frozen positions for elected officials' staff.

Since the County was able to recognize additional revenue based on the final tax digest, it restored funds for frozen vacant positions within the elected officials departments by \$1.9 million. There is still \$4.1 million in frozen positions. As previously stated, revenues and expenses will have to be monitored throughout the year.

Other Financing Uses include transfers to other funds of which a little over \$3 million is to support the Fire Fund. Although this has been done in previous years, this is the first year that this transfer has been shown as part of the budget.

On Balancing the Proposed Budget, the Use of Fund Balance = \$5.0 million; General Fund expenditures = \$ 2.0 million; and Transfer to Fire Fund = \$3.0 million.

Even with the millage increase to max millage for Fire, the General Fund would have to contribute approximately \$900,000.00 to balance the Fire Fund Budget; \$2.0 million due to the decrease in revenues from eliminating the School Resource Officers contract (transferring funds to the Police Department for additional officers) and \$1.0 million in reduced State Department of Corrections revenue due to the decrease of a holding time for state inmates.

The Millage Rate Adoption will be held July 16, 2012 and the Proposed Millage is 14.661, which is less than the rollback rate. There will be no public hearing needed because the millage rate is not being increased.

Ms. Thurman concluded her presentation and asked if there were any questions.

Commissioner Hambrick asked Ms. Thurman if she could have a copy of the presentation.

Chairman Turner asked if there were any comments or questions regarding the proposed FY-2014 Annual Operating Budget from the Board.

Clerk Haywood noted that the Board needed to present Resolution 2013-157 to formally adopt the budget, which Interim County Attorney Jack Hancock would present at this time.

Chairman Turner recognized Marvin and Ellen Porter, the father and stepmother of Commissioner Rooks who were in the audience.

6. Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to approve Resolution 2013-157; a Resolution providing for the adoption of the County's budget for Fiscal Year Ending June 30, 2014; to provide for the appropriation of expenditures and recognition of anticipated funding sources; to provide for the circumstances under which the budget may be amended by the Board of Commissioners, the Chairman, or the Chairman's designee; to provide an effective date of this resolution; and for other purposes. The motion carried 3-1. Commissioner Hambrick opposed.

Vice-Chairman Edmondson questioned if the proposed budget presented today included the proposed amendments.

Ms. Thurman replied yes, it did include the proposed amendments.

Vice-Chairman Edmondson asked Mr. Hancock to elaborate on the shifting of personnel as it relates to the termination of the SRO contract, what the Memorandum of Understanding (MOU) specifies, and how it affects personnel.

Interim County Attorney Jack Hancock explained that the governing document (Memorandum of Understanding) was between the former Sheriff and the Board of Education, and it specifically provided the number of positions that were added or removed. He stated it was based strictly on that contract continuing in place between the school system and the Sheriff's Office, and he assumed that has been removed based on that contract being no longer in existence.

Vice-Chairman Edmondson questioned whether the County was losing any personnel because of the termination of the SRO contract and if the personnel would be shifted to the Police Department.

Chairman Turner interjected that the school system itself was paying for the SRO contract and now the County has to pay. Instead of laying off people, the County will shift them to the Police Department.

Vice-Chairman Edmondson confirmed that these would be the twenty-seven (27) new police officers Clayton County needed as part of the proposed budget.

Chairman Turner stated that these would be newly created positions.

Vice-Chairman Edmondson expressed his excitement about twenty-seven (27) new police officers for the County.

7. Motion by Vice-Chairman Edmondson, second by Chairman Turner, to approve Resolution 2013-162; a Resolution approving the Clayton County Local Option Sales Tax (LOST); to authorize the Chairman to execute the LOST Certificate of Distribution; to authorize the Chairman to execute the certificate and otherwise to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expenses; to provide an effective date of this resolution; and for other purposes. The motion carried 3-1. Commissioner Hambrick opposed.

Mr. Hancock explained this resolution is requested by the representatives of the Cities in connection with the LOST and Service Delivery Strategy (SDS). Prior action taken by the Board extended the LOST Certificate of Distribution Agreement through July 1, 2013. The Board has been negotiating with the Cities for a long time regarding a combined LOST and SDS and an agreement has been reached on the terms; however the Cities were unable to have a final form SDS agreement for presentation and approval today. Mr. Hancock stated the Cities have asked the Board to approve a one-month extension of the LOST certification for thirty (30) days to get LOST and SDS in place. He further stated the Cities have asked that the one-month extension regarding the LOST distribution reflect the distribution numbers that were agreed upon in meetings with the Board and by the parties. Mr. Hancock affirmed the Cities will also ask the Superior Judge who is overseeing the SDS negotiations and SDS case to enter an Order extending the stay on any sanctions under SDS through the end of July 2013.

Commissioner Hambrick questioned if the percentages would be the same with the thirty (30)-day extension.

Mr. Hancock answered the percentages that appear in this resolution would be the percentages that will be in effect for the next thirty (30) days. If the Board approves this, it will be agreeing to a LOST Certificate that provides for this distribution for a period of thirty (30) days. Mr. Hancock anticipated finalization of the SDS and, after speaking with counsel for the Cities, he advised counsel that the issue is not an SDS monetary issue. It is just a matter of the Cities getting it done to have it approved, and he anticipated having a permanent LOST Resolution before the Board with the exact numbers going forward.

Vice-Chairman Edmondson asked if these were the same numbers upon which the Board had agreed.

For clarification purposes, Commissioner Rooks asked if the Cities were having disputes and therefore could not sign an agreement among themselves. She wondered if the County were confident in getting a signed agreement within (30) days.

Mr. Hancock emphasized the counsel for the Cities stated they will have it ready.

Chairman Turner said he had spoken with several Mayors of the Cities and they indicated they are very close to resolving their issues.

Commissioner Rooks questioned what would happen if they did not resolve their issues.

Mr. Hancock stated that then the County would not have an active LOST certificate at the end of the thirty (30) days. The other option is that the parties could agree on another interim resolution that would extend it again under other terms until the Cities can resolve their issues.

8. Motion by Chairman Turner, second by Commissioner Rooks, to approve Resolution 2013-163; a Resolution to name "Veterans Memorial Bridge"; to authorize the Department of Transportation and Development to erect signs on the subject bridge that reflect the naming; to authorize the Chairman to otherwise perform all other acts necessary to accomplish the intent of this resolution. The motion carried 4-0.

Mr. Hancock stated this bridge is located on Rex Road which crosses Big Cotton Indian Creek in Historic Rex, Georgia.

9. Ramona Thurman, Chief Financial Officer, presented one (1) budget amendment (deferred from the June 18, 2013 Regular Business Meeting) which resulted in the following Board action.

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REQUEST FOR BUDGET AMENDMENT – OTHER GENERAL GOVERNMENT

2-71

FYE 6-30-13

**INCREASE REVENUE:**

Appropriations from Fund Balance	101-6501-7000	\$	50,494
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**INCREASE EXPENSE:**

Pension Expense	101-2601-4020	\$	50,494
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1) Motion by Vice-Chairman Edmondson, second by Chairman Turner, to approve Budget Amendment #2-71 – providing funds for a one-time supplement to the Clayton County

District Attorney pursuant to the Georgia Code. The motion carried 3-1. Commissioner Hambrick opposed.

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Commissioner Hambrick stated she sent an email to the Chairman and to the commissioners regarding this matter as far as it being lawful for the Board to do. She was asking again on record if this were a lawful move by the commission.

Mr. Hancock replied yes.

Mr. Hancock explained it provides in the compensation of district attorneys in O.C.G.A 15-18-10, subsection (b)...“The county or counties comprising the judicial circuit may supplement the salary of the district attorney in such amount as is or may be authorized by local Act or in such amount as may be determined by the governing authority of such county or counties, whichever is greater.” This budget resolution is a one-time supplement for the compensation of the district attorney in the amount as outlined by Ms. Thurman.

Commissioner Hambrick asked if it is considered a gratuity.

Mr. Hancock answered not in this matter and it was not considered a gratuity in his opinion. It is a one-time supplement being paid pursuant to this Code section.

Chairman Turner noted that Vice-Chairman Edmondson had a question.

Vice-Chairman Edmondson followed up on what Mrs. Crawley-Simmons referenced by asking if the Human Resources Department had mechanisms now in place to keep the County from having these issues in the future or if there were any new disclosures, or labors, acknowledgements, or something in place.

Ms. Thurman affirmed she had discussed this matter with Ms. Bright, Director of Human Resources, and asked if Human Resources were going to make that a part of its process. Ms. Thurman stated the issue is whether or not the judges know they are eligible for that kind of process.

Once this is cleared up, Vice-Chairman Edmondson asked if there are any others in the system who are not participating. He wanted to know if this would fix anything that may have happened in the past and, going forward, if the county would have a mechanism in place to keep this from happening again.

Mr. Hancock confirmed that people who are qualified to participate in the plan are not county employees and they do not work through the county’s Human Resources Department. They work in the County but they are technically state employees. Mr. Hancock believed this may be one of the things that has created some of the issues because they do not go to the County’s Human Resources Department to get hired or to go through the hiring process. He stated that this certainly does not mean that a mechanism cannot be put in place to make sure they are aware, but

he believed that was part of the problem that has existed in the past. He further stated it is different from county employees who get hired and go through Human Resources and get all the information. Unfortunately, this does not happen with the state employees.

Ms. Thurman explained that Human Resources did tell her that it does not know that someone has elected this option until it gets the information from the state. In order to be proactive, she had requested that Human Resources notify them that at the time of their election that this option is available. The Human Resources Department does not know and the Finance Department does not know that they even are elected or not elected until they get that information from the state.

Commissioner Hambrick referenced Mrs. Crawley-Simmons' concern and asked if this would be an addition for Judge Simmons since he was a part of the Juvenile Court System.

Mr. Hancock replied he had not seen a list but was advised that the County is making contributions currently for all people within the State Court, the Juvenile Court, and the Solicitor's Office who are qualified to participate and were participating in the state retirement plan. He further stated that is actually already being paid.

Commissioner Hambrick noted that Mrs. Crawley-Simmons did not agree.

Chairman Turner stated that this matter can be researched further.

Mr. Hancock replied it was not a matter in which he was an expert, so he did not really know. He had, however, asked that question.

Chairman Turner then asked Mr. Hancock to research this matter.

Commissioner Hambrick questioned if the Board would be responsible for six, seven or ten more of these one-time supplements.

Mr. Hancock said the answer to her question was contingent on whether this Board chose to pay. He was not 100% sure that a code section existed that provided for the payment of a supplement to a Juvenile Court judge. He would have to do some research. Mr. Hancock stated he knew there was a provision for one that was awarded to other judges, but he was not 100% certain there was one that called for a supplement.

Commissioner Hambrick expressed her confusion because she thought this was in reference to when the District Attorney was a Juvenile Court judge.

Mr. Hancock emphasized this is a one-time supplement that the Board will be paying to the District Attorney pursuant to this code section.

Commissioner Hambrick noted that all the correspondence she had received pertained to the Juvenile Court.

Mr. Hancock agreed and was certain that the time frame within which all of this arose involved the time frame in which the District Attorney had served as a Juvenile Court judge. He reiterated that if the Board approves this budget amendment, it will be paying to the District Attorney individually a one-time supplement for which she will get a 1099. The Board will not be paying the money to the stated or contributing any money to the retirement system. It will be paying the money to the District Attorney. Mr. Hancock further stated if there were someone else who was in this circumstance and were entitled to a supplement and this Board were inclined to pay such a supplement, then the Board could consider that. He concluded he did not know of anybody else who was in this circumstance at this point and time and each case would have to be reviewed on an individual basis.

Commissioner Hambrick asked what the motion on the floor was.

Chairman Turner acknowledged it was a discussion. He stated that a motion and a second had already been made. The Board was ready for a vote unless there were some other questions.

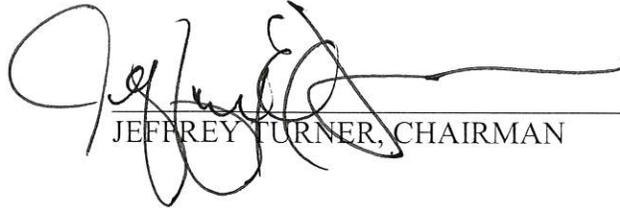
Commissioner Hambrick asked if she could hear the motion again.

Ms. Thurman read that the recommendation was to amend the budget to transfer funds and authorize a one-time payment (supplement) to the District Attorney pursuant to Georgia Code.

Chairman Turner asked if there were any other questions and continued the vote. The motion carried 3-1. Commissioner Hambrick opposed.

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the June 27, 2013 Special Called Meeting to adopt the FY-2014 Annual Operating Budget at 9:35 a.m. The motion carried 4-0.

CLAYTON COUNTY BOARD OF COMMISSIONERS



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JEFFREY TURNER, CHAIRMAN

*(Absent)*

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MICHAEL EDMONDSON, VICE-CHAIRMAN



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GAIL B. HAMBRICK, COMMISSIONER



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SHANA M. ROOKS, COMMISSIONER

ATTEST:



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SHELBY D. HAYWOOD, CLERK