

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JANUARY 14, 2005, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

I. CALL TO ORDER

Chairman Pete Liakakis called the meeting to order at 9:35 a.m., Friday, January 14, 2005.

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II. INVOCATION

Commissioner Thomas introduced Elder Willie Farrell, Pastor of The Royal Church of Christ, who gave the invocation.

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III. PLEDGE OF ALLEGIANCE

All pledged allegiance to the flag of the United States of America.

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IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Pete Liakakis, Chairman Helen L. Stone, District One James J. Holmes, District Two Patrick Shay, District Three Patrick K. Farrell, District Four Harris Odell, Jr., District Five David M. Gellatly, District Six B. Dean Kicklighter, District Seven Dr. Priscilla D. Thomas, District Eight
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IN ATTENDANCE:	R. E. Abolt, County Manager R. Jonathan Hart, County Attorney Sybil E. Tillman, County Clerk
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YOUTH COMMISSIONERS

Mr. Van Johnson introduced the following Youth Commissioner who was in attendance: Whitley Hawthorne, a Sophomore at Beach High School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. MR. LARRY BROWDER, A CITIZEN WHO WISHES TO SAY THANK YOU.

Chairman Liakakis said, now I'd like to call on our County Manager for a special presentation this morning.

County Manager Abolt said, thank you, Mr. Chairman, ladies and gentlemen. In one's life, professional work life, sometimes very special things happen. In the lives of not only myself, but County employees who really don't know why they're here yet, but they will in a moment, the gentleman to my right called me. He did such an excellent job explaining service above and beyond the call with the permission of the Chairman I've invited Mr. Browder to be here. Sir, would you explain what happened to you?

Mr. Larry Browder said, good morning everybody. I have a very quick, but a very good story to share with you this morning. How many of you have ever misplaced or lost a checkbook, and I know gentlemen in the room I'm sure have. Well, that happened to me last week. You know how the panic sets in. You know you're looking in your office and you're going through your clothes and you go to the parking garage and look through your car and there's no sign of a checkbook. Where is it? You start to panic. It's late in the afternoon. You get on the phone and you call and you start cancelling everything and your direct deposits and whatnot and that was the dread and the panic that I felt last week. Well, I drove home to my home in Wilmington Island dreading to make this phone call, dreading to call everybody to cancel everything out and, more especially, I guess, dreading to tell my wife that I'd done another stupid thing. So I opened the mailbox —, I pull in the driveway, I open the mailbox and I see my mail and underneath my mail is my checkbook and underneath my checkbook is a very, very simple note, and I have the note right here in my hand, and it says: Mr. Fates, Mr. Gordon, Mr. Foxworth found checkbook on President Street. County Workers." And I stood there kind of shocked and I opened the back and it said, "Sweeper Operators Checklist" and I thought, "Wow, is this for real? Are there people like this in the world again —, anymore?" And so I was tickled to death and I told my wife, and she was kind of shocked, of the story. I called Wachovia. Of course I checked to make sure all the checks were there. They were. Everything was good, and I, "Wachovia, should I have any concern?" and she almost laughed after I told her the story, and said, "You're telling me that they put their names on there. They drove to your home and put the checkbook in your mailbox," and I said yes. So I just wanted to come this morning to thank these gentlemen and I understand they're behind me somewhere, I believe, and I want you to share in a round of applause for just going up and above board —. [Applause.]

Mr. Robert Drewry said, good morning, ladies and gentlemen. I want to take a minute to introduce these gentlemen. Mr. Gerald Gordon on the end, 20 years service with the County, or 20 years next month; Mr. Jermaine Fate, 2 years of service; and Mr. Clarence Foxworth, a year of service. I personally want to tell them thank you. It's an excellent reflection of Chatham County Public Works and their dignity, their decision to return it, their integrity, as you heard earlier. I personally thank you.

Chairman Liakakis said, gentlemen, on behalf of the County Commission, we thank you very much for your dedication to the County in helping out in a situation like this.

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Chairman Liakakis said, one other item or presentation, he's not here, but we did get some correspondence from a motorist that was on I-95 and had a problem, and Officer Snider with our Metropolitan Police Department assisted that motorist. So I think, you know, we need to recognize our employees that help our citizens going beyond the duties that they have.

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VI. CHAIRMAN'S ITEMS

- 1. CHANGE SECOND JANUARY MEETING DUE TO CONFLICT WITH SAVANNAH-CHATHAM DAY IN ATLANTA SCHEDULED FOR THE 27TH AND 28TH OF JANUARY. *(An alternative suggested by staff would be to have a workshop on financial planning, presentation of the draft CIP, an update on the M&O budget situation on either the afternoon of Monday, the 24th of January, or any time Tuesday or Wednesday, the 25th or 26th; further, that the regular meetings of the Board for the month of February occur on the 4th and 18th of that month.)***

Chairman Liakakis said, for you here and the citizens, that's an important two days for our cities and our County because we have made a lot of good relationships with State Senators, State Representatives and other State elected officials, and it has helped us in getting resources, grants and other things in the past. So we want to continue with that and go with the Chamber of Commerce and the other elected officials and leaders in our community for that

January 27th and 28th Chatham-Savannah Day in Atlanta. And I'd like to call on our County Manager. Russ [Abolt], would you go over the next item?

County Manager Abolt said, thank you, Mr. Chairman. To accomplish this, you'll see in the emboldened print on this agenda item under the Chairman's name, we suggest an alternative that will allow you as opposed to meeting on the 28th, when you look at your meetings during the month of February, and Commission meetings as you may remember are always on the second and the fourth Fridays, we're suggesting in this case you move your February meetings to the first and third Fridays and then, because of the priority that we know you're placing on budget financial planning and getting oriented into where the County is in its budget, we suggest that you look at having a workshop, which is not an official meeting, but having a workshop of the Board some time that last week in January, either the afternoon of the 24th or any time on Tuesday or Wednesday, the 25th and 26th. Regarding the workshop and with permission of the Chairman, we will poll you to find out what time is convenient to y'all and we'll notify the news media, but this morning as you adopt what amounts to item number two at the bottom of the page under Commissioners' Items, when you have to select and reaffirm your meeting dates, you would have to amend the staff report to indicate, number one, you would not be meeting on the 28th of January, but you would be meeting on the first and third Fridays in February.

ACTION OF THE BOARD:

Received as information.

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2. STEPHENSON AVENUE WORK.

Chairman Liakakis said, from December 30th I rode down Stephenson Avenue. I was there about 10:21 in the morning and they had two crews working, one from a utility company, I think it was Herman Electric Company. They had four people working, and the Bell South Company had two people working on the telephone lines, and there was absolutely no one there from APAC Construction Company, who has been running behind in this construction project that many of the citizens are concerned about, but also the people that have business in that particular area, and a lot of them have suffered because the length of time it's taken to complete that. The only person that was from APAC at that location was one individual in a white truck that was stringing yellow tape around some barricades. I checked there several more times and there was still nobody there from APAC, and I'm instructing the County Manager for him —, they will put that in the file. I took pictures to show the deserted area, and this is not right for our citizens and we will be talking in the future of how we can beef up these particular projects so that we don't have this kind of situation in the future on Stephenson Avenue causing a burden on our citizens in many, many ways. So we will be talking about that in the future, whether it'll be additional penalties on a daily basis, I am having those particular —, those contracts monitored on a daily basis so they can't use that if they go into court and say we've dismissed them for reason or we haven't paid them the money or they don't want to pay the penalty.

ACTION OF THE BOARD:

Received as information.

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3. ETHICS COMMITTEE.

Chairman Liakakis said, the next item on the agenda is Ethics Committee and everybody's concerned —, I guess you remember back last year when they were talking about ethics and the County Commission I guess somewhere around 1990 they had approved an Ethics Code and there was some problems with that, as our County Attorney related to everybody about the constitutionality of that, and so we could not use that particular code. So what I'm doing this morning to work on that ethics is I am appointing an Ethics Committee and these Ethics Committee members what they will do is they will check with other counties to see what their Ethics Code is and also the Association of County Commissioners for the State of Georgia, what they have as far as an Ethics Code. Once they have done their work and study, they will get with our County Attorney and then they will bring back to us a proposed Ethics Code, and at that time it will give the opportunity for the Commission to adopt an Ethics Code that everybody on this Commission that wants to abide by and let the citizens know in Chatham County that we're concerned about ethics also.

Chairman Liakakis said, the members that I am appointing now for that Ethics Committee is Bob James, President of Carver State Savings Bank; Bessie Kicklighter, who's been a community activist on the Westside and a council member for Garden City; Brian Foster, the President of First Chatham Bank, who's been a community activist. He has also served on the State Ethics Committee, and so he knows a lot, you know, about the rules and regulations and how an Ethics Code and an Ethics Commission should work. Also, I'm appointing Virginia Edwards, the retired School Administrator. As most of you know, she was Superintendent for a period of time for the Chatham County School System and has worked in many other areas in our community. And the other appointee is Steve Scheer, an attorney who's worked on a number of items in the legal area with the State government, local government and others, and who was the former chairman of the State Ethics Committee and served several terms on there. So we need

people on this Ethics Committee that will have —, that have experience and will work to give us a good Ethics Code so it will be good for the Commission and our citizens.

ACTION OF THE BOARD:

Chairman Liakakis appointed the following individuals to serve as an Ethics Committee for the purpose of studying Ethics Codes of other counties and working with the County Attorney in preparing an Ethics Code to be brought back to the County Commission: Bob James, Bessie Kicklighter, Brian Foster, Virginia Edwards, and Steve Scheer.

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4. REPORT OF TAX COMMISSIONER AND ACCOUNTING PERTAINING TO UNBILLED CHANGE OF VALUE NOTICES AND ALTERNATIVE ACTIONS OF THE COMMISSION.

Chairman Liakakis said, now I'd like to call on Danny Powers, Tax Commissioner for Chatham County, to give his report.

Tax Commissioner Danny Powers asked, could we get these —, I've got some exhibits here. Dr. Thomas, Mrs. Stone, Chairman Liakakis, members of the Board, good morning. I wish I was here under a different set of circumstances, but unfortunately that's not the case. I'm here today to seek your input and hopefully resolve a potentially costly situation and I mean a legal situation that this County could end up fighting in the courts if these bills that are in question are actually mailed out, you know, with the increases. Let me try to explain to you how the process works. I know we have some new Commissioners here today in our presence, and I'm glad to see all of you. Each year the Tax Assessor's office and the Board of Assessors is charged by Georgia Code with the duty of establishing the fair market value on all property in the County. The process starts shortly —, well, at January 1st. It gives each taxpayer the opportunity to file a return to start the procedures to set the fair market value on their property and a chance to appeal if they disagree. The second phase is that in June of each year the Tax Assessor's office or Board of Assessors on property that they deem to have an increase or decrease in the fair market value sends out a notification, and that form is called a Change of Value Notice. It gives the taxpayer 30 days to respond if they disagree with the value in question. Okay? It's also done to allow time once that appeal is done and it allow digest preparation time for the Board of Assessors to submit the annual digest, which is due by August 1st, to the Department of Revenue, to the Commissioner of Department of Revenue, and that's Exhibit 1 I just passed out to you in that little booklet, and that's 48-5-304. It explains in there that they —, certain things that they have to do when they submit the digest, listing the properties that are under appeal and et cetera, et cetera.

Tax Commissioner Powers said, the Tax Assessor's office submitted the digest on July 29 prior to the August 1st deadline. The digest order to collect for '04 was signed by the Revenue Commissioner, Bart Graham, in accordance to O.C.G.A. 48-5-345. That's Exhibit 2A and 2B in your booklet, and it shows the order in there where it indicates that we can then collect taxes, and I'll —, I'll read a portion of that. It says: Whereas the Commissioner has determined that the Chatham County digest is in proper form, that the property therein that is under appeal within the limits of O.C.G.A. 48-5-304, and the digest is accompanied by all documents, lists and certificates required by law. It is hereby ordered that the county digest for Chatham County is hereby authorized and to be used for the collection of taxes.

Tax Commissioner Powers said, early August I received the digest file from Mrs. Snider's staff to start the calculation process and the actual printing of the 2004 tax bills. The calculation process and the actual bills were printed somewhere around September 8th. Since it's been a standing County ordinance and law that we not bill until September 15th with a taxable due date of November 15th, I held the bills until September 15th and dropped them in the mail. On November 22nd, I guess that's some seven or eight days after the collection due date had passed —, not the actual billing due date, but the collection due date had already passed —, 1,200 internal account corrections, and I'll show you what these look like. That's just a sampling of what they look like, and at the top of it, it says: COV after the digest was completed. There's a box full of them. There's 1,200-plus in there. Again, I received these November 22nd, seven days after the collection due date. On November —, on December 2nd I returned these to Mrs. Snider indicating the fact that they were processed after the digest and an approved collection order had been granted. I also discovered, checking into this, that probably, well, by this point, but at that time over 85% of the 1,200 Change of Values that had already been paid. 1,200 of these sit in this box, 85% of the bills have already been paid. On December 9th Mrs. Snider returned the 1,200 back to my office with a memo explaining that they —, since they mailed them out on September 10th, five days prior to me actually mailing the bill, that they were in —, they were within the confines of the law. I disagree. Additional research by my staff uncovered the fact that each and every one of these new Change of Value Notices had received a Change of Value Notice in June that was submitted with the approved digest. Okay? This action in my opinion constitutes that the property was returned because it was made part of that August 1st digest that was approved by Mr. Graham, who is the Commissioner of the Department of Revenue. In Mr. Hart's legal opinion he goes in and states these same code sections, 345 that I explained to you earlier, and then he goes into a couple of case laws, and he can expand on that if you would like him to, but one of them is —, one of the case laws is Barland Company v. Bartow Board of Tax Assessors and that's a case that had something to do with whether obvious clerical errors that were done in the office and, you know, allowed a change to be made in the taxability and whether a new appraisal could be done on the property. The second and most important one is the Fayette Board [of Tax Assessors] v. The Georgia Utility Company. In that law —, it went to the Court of Appeals —, indicates that once a bill is paid that if an additional bill is sent out that it cannot be collected. It is deemed to be returned and final. So we're sitting here with 85% of these folks and we would, therefore, be mailing a bill out, and this is where in my opinion it would subject the County to a vast majority of folks potentially,

you know, filing litigation against the County. The County's —, if you look at the accounting page that's in your booklet, I believe that may be the last page, it breaks down the different categories, the paid decreases, paid increases, unpaid decreases and increases, and it brings you down to a total and the County portion of that being, after everything is, you know, subtracted out and you do the math, it leaves the County with a possibility of gaining \$24,000. Well, I remind you we've already got \$24,000 worth of County time invested in this issue between my department spending several days having to hand calculate to come up with these figures, the time that Mr. Hart has spent on this I would deem to say would potentially eat up a majority of that \$24,000, and then the first litigation that you get, well, you can take your \$24,000 and throw it out the window.

Tax Commissioner Powers said, additionally, and I find it very ironic that the last day of the year I had requested some information from the Assessors' office and in here's a tape of the minutes of that September 10th meeting, and it's very, very hard to hear what's going on. I played it earlier. The quality is just atrocious, but if you wish to try to hear some of it, I think you would be interested in hearing the testimony that they give and explained the vast number of errors and whatnot that actually took place, but on the 31st I get a two-page report from the Assessors' office that indicates that: Please remove 62 parcels out of those 1,200 because we sent the COV to the wrong owner. So, there again, another situation. The COV should have been sent to the owner of record as of January 1st, 2004. It was sent to the new owner who purchased the property some time within the year of 2004, and Mr. Hart and I discussed this and his legal opinion and we knew that this scenario would happen and, lo and behold, it did where property changes hands, the bills are paid, you know, two years down the road I'm taking levy action to sell someone's property, the title —, the lawyers have done the title search, closed the property thinking that because they checked the digest record as of November 15th and everything was paid and we come behind and send out an additional bill, then you've got —, then you've got a closing attorney on the bubble where in fact he would probably have to, you know, submit a claim to his title insurance to pay these back taxes or whatnot, and there again I would be, you know, taking levy action, which is —, which is not a good thing to do. That's the process in the sale of that tax lien.

Tax Commissioner Powers said, Mrs. Snider indicated that the department —, that her department did in fact error [sic] on these properties. The phone conversation I had with her, and it's backed up by this tape, she explained that, the best I could understand, that several people were somehow entering data, and I didn't understand that. One person was entering land value, someone was coming behind them and —, that was supposed to enter improvements to the property failed to do so. Okay? It's just a comedy of errors that happened I guess in their department or however it was overlooked. I can't explain that; maybe they can. But I do know that I'm responsible for sending out the tax bills in this County and I'm tired of every time a taxpayer calls with a problem, and it's a problem that occurred in another department, I'm tired of passing the buck. I'm sitting here talking to taxpayers getting my tail chewed out. I calculate I mailed the bill and if you don't pay it, I come after you and collect it, which we do a very good job of doing that. Past numbers will show you that in any audit report.

Tax Commissioner Powers said, my recommendation today to you, and I'm sorry that this happened to you on your first day —, your first meeting, but it ruined my Christmas holidays, I can flat tell you that. My recommendation to you today is that we process those Change of Values where the value has been lowered and the County and the other municipalities involved, the School Board, they have to eat that and mail a refund to those folks that are due a refund. In a situation where the value has increased and due to the potential litigation that would follow, and I can assure you it would follow because there are court cases that back this up. There is a code section, and I spoke to some officials of the Department of Revenue, and they made several suggestions: sit down with the Assessors and try to work it out. Well, I don't think that was an option. They weren't interested in that because they received a legal opinion saying that they were right. There is a code section that was shown to me by an official with the DOR, 48-5-154, and it gives you, as the governing authority, the authority and jurisdiction to address this problem and it simply could be the ones that are due an increase, you take no action, make a motion that we write those off for 2004 and not bill them and that they be addressed in the year 2005 by the Tax Assessors office and re-mail these folks a proper Change of Value in June of 2005 when the normal Change of Value should go out. I think that basically summarizes what I wanted to say. Anybody got any questions?

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I've just got a couple of questions. Jon [Hart], you've heard Commissioner Powers have you not? County Attorney Hart said, yes sir. Commissioner Odell asked, and do you agree with his conclusion? County Attorney Hart said, yes sir. You know, this was a chain of events that, needless to say, needs to be avoided. I think we had a communication issue here and that needs to be dealt with and corrected so it doesn't happen again. We're in a very awkward situation. One of the former Commissioners asked me to look at it and try to make some recommendations about how to fix it and that's what we've been focusing on primarily. I'm not so interested in how we got to the issue but what do we do to make it fair and equitable to everyone. Mr. Powers is invested under this code section he said, § 154 —, 48-5-154, to come before you and make a report or accounting to you as to his reasons for not collecting taxes in which he has received a value, and he I think has articulated his concerns that we have raised in several legal opinions, and under that code section if you accept that as an accurate statement, then this Commission as the governing authority of the County does have the right to accept it and direct staff, the Board of —, BOA and/or Mr. Powers' office to adjust the collection rolls, digest, and make other actions in order to correct the tax records, and what I believe I hear Mr. Powers basically saying is he would like to put everyone back to where they were before the Change of Value Notices went out. One thing I'd like to emphasize, there is no dispute as between any opinion that the 85% of these people who got a bill and paid the bill that we sent them have no obligation to pay an additional bill. Commissioner Odell asked, you mean that once you get a tax bill, you pay it, if you get a second tax bill, you're not obligated to pay that second tax bill? County Attorney Hart said, basically. I mean, there's some exceptions to that rule, but I mean —. Commissioner Odell said, I understand, but that is the rule? County Attorney Hart said, in this case —, yes sir. The concerns we raised in our initial opinion was kind of trying to foresee

the fallout of what would happen and, of course, we didn't have this additional information at that time that basically said, yeah, the things that we're concerned about are already happening. You know, people close on a piece of property, they have an escrow agent, and the bill goes to the escrow agent and the escrow agent pays the bill. Then we send a Change of Value out in that same year, late in November we send them the bill and the escrow agent says I've already paid this bill in my records and he ignores the bill. So the bill is not unpaid [sic] for a hundred, two hundred dollars. Well, things are going to rock along fine for about two years and Mr. Powers is going to go in and say we've got uncollected taxes here and he's going to start the levy process. And now you're not talking about \$82, you're talking about all the penalties for the last two years plus all the interest compounded for the last two years, and you're talking about a bill that might have been \$100, but now it's \$500, and you've got a taxpayer out there that the first time he learns he's got a problem is when Mr. Powers starts knocking on the door. I just don't think that that's what this Commission desires to have to the best of my knowledge. What we could do is we could have those persons who have paid the tax bill already, they're under the wire so to speak. There's nothing we can —, you know, there's no corrective action that needs to be taken, but you could go ahead and have the persons that have not paid their taxes for the year 2004 be responsible for paying the taxes of a bill they originally were sent without the Change of Value involved in that. Of the persons who have not paid —, if the person's paid their taxes, they wouldn't be subject to any further actions. Now, some of those people that paid their taxes overpaid their taxes because some of these Change of Value Notices dropped the value on their property. Say you had a \$100,000 piece of property and these Change of Value Notices might have changed by \$2,000 saying it's worth 98. Well, the bill they got was for a hundred, so they overpaid their taxes, and it would be in your discretion to decide whether those persons who overpaid under that bill should receive a small refund. Now, I'm talking about probably —, I'd have to look at the numbers, but it's a fairly small category of people, maybe two or three percent, somewhere in that —. Tax Commissioner Powers said, it's about \$8,800 on the County portion. County Attorney Hart said, okay, and what this would do would essentially put everybody back to where they were. The value —, Change of Value Notices that Mr. Powers got in November would then become the Change of Value Notices for January 2005, and prior to sending the digest in they may be subject to other valuations. The concern that was raised by us was the fact that Mr. Powers can only levy on property and collect taxes on property in an authorized digest. How do you get an authorized digest? You send it to Atlanta and they test it. They test it statistically to see if it's uniform and meets the fairness test, and they've got a long standard of guidelines. They issue an order to go collect. We then make 1,200 —, indirectly the County makes 1,200 changes on 1,200 properties and values. Those 1,200 values are never part of the authorized digest. They were never considered, and if they had been considered, what effect would that have had on the testing as to the digest that was submitted? If you're going to be able to submit a digest and go through the rigorous testing that the Department of Revenue does, approve the digest by order, and then simply come back in hopes they don't change your values, what's the purpose of the procedure? So that was the concern and I think what we need to do is quit focusing on at this point on who in the chain of events did what and start focusing on how you're going to fix your problem.

Commissioner Odell said, the reason you focus on that is to prevent it from happening —. Tax Commissioner Powers said, from happening again. Commissioner Odell said, — in the future. Tax Commissioner Powers said, please prevent it. Commissioner Odell said, if you have a comedy of error and you take no action, then what prevents that comedy of errors from reoccurring? County Attorney Hart said, your point's well taken.

Chairman Liakakis said, Commissioner Thomas, you wanted to ask a question. Commissioner Thomas said, yeah, but I think my question would lead up from what Commissioner Kicklighter —. Commissioner Kicklighter said, if I could and then I'll make a motion after —. Chairman Liakakis said, it was Commissioner Thomas and then Commissioner Shay and then I'll come back to you. Commissioner Thomas said, okay. All right.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I just want to make sure I understand something. That the recommendation is that we would give a refund to those who paid their tax bill on time, but were actually paying more than what the re-val would be on next year's digest if we go through with this. We do more to that, but what about the School Board and the other local municipalities? Are we compelling them to do the same or are we —, I mean, I'm just curious. County Attorney Hart said, that's a good point. We spent some time looking at that, and I think Mr. Powers has calculated it out. The effects on that, it's much less for the City and it's a little bit more, I guess, for the School Board are approximately the same. But this procedure —, and it's a procedure that the Department of Revenue has really recently embraced in the last couple of years. As a matter of fact, we've not used it for this particular purpose because we haven't had a situation like this. But you, as the governing authority, have the power under this ordinance to direct changes for corrections within the return, so you can actually fix the return. Now that indirectly would affect these other agencies, but we're not talking about a big sum of money. Commissioner Shay said, but the action of this —. County Attorney Hart said, [inaudible] speaking. Commissioner Shay said, the action of this Board would correct that error —. County Attorney Hart said, yes. Commissioner Shay said, — on those other levies this way. Tax Commissioner Powers said, we have that authority, yes. Commissioner Shay said, okay.

Chairman Liakakis recognized Commissioner Kicklighter. Commissioner Thomas said, okay, I'll just go —. Chairman Liakakis said, okay, Commissioner Thomas.

Commissioner Thomas said, Mr. Chairman, I would like to say that out of the 1,400 people that we're talking about, the reason why Commissioner Kicklighter and myself have been communicating is the fact that the majority of these people are in his district as well as in my district, and that's why we are very much concerned about it and trying to get some closure to it. I only have two questions that I would like to ask and perhaps Commissioner Kicklighter could follow up. Should we now increase their values and bills and make them pay it for the last year? Secondly, are we really creating two classes of people, of citizens: those that can pay their bills immediately and those who can avoid

their taxes through the increase while those who may not be as fortunate and not able to pay their tax bills immediately would be subject to a change of value and increase in tax? If this is the case, then to me this does not seem fair to me. Commissioner Kicklighter has some other concerns about this too that he would like to elaborate on.

Commissioner Kicklighter said, thank you. First, I want to thank my Santa Claus out there, Danny Powers. He saved my Christmas because most of these property increases, tax increases were in my district and, man, I think you for holding onto those bills, tax bills, until we could take care of the situation. You did an excellent job and I appreciate you bringing this to our attention. Tax Commissioner Powers said, Commissioner, I just simply did what I felt was right and I would do it again —. Commissioner Kicklighter said, well, I —. Tax Commissioner Powers said, because I —, absolutely this not the correct way to conduct business. Commissioner Kicklighter said, well, I definitely appreciate that and I know that the taxpayers appreciate that. I just want to say then for the records that it should be noted that 85% of the people that we're considering to send this Change of Value Notice have already paid the 2004 taxes for which they were billed in full. The County Attorney, as he stated earlier, he's —, along with the Board of Assessors' attorney, they agree that we can't change the bills after they've paid them in full, so only —, we're really, you know, looking at a small percentage here, but the Commission along with or through the BOA, we've gone through a process here and sadly it's really messed up at this point. Just to elaborate there, I believe that I have definite concerns because we've gone through a digest approval with the Department of Revenue. The digest has to be approved by the Department of Revenue. Once approved, the Department of Revenue issues an order permitting the Tax Commissioner, which is Danny Powers, to collect the authorized digest. And note on that the key word is authorized. Mr. Powers does not have the approval from —, to actually go out there now and collect taxes or bill for the taxes for 14 newest —, 1,400 newest appraisals there. He only had permission to collect monies from the previously submitted evaluations there. I would ask that the Board of Assessors in the future please, if you haven't finished your appraisals, seek a delay in submitting the digest. I'd rather delay it than have anything like this again where we've got all these property owners that are receiving two appraisals within a few months. That —, it's confusing enough to try to get one and try to understand what's on there and a few months later you get another one and so —. Go ahead, Danny [Powers].

Tax Commissioner Powers said, you're very correct, Commissioner. I'm glad you brought that up. If you mail a Change of Value Notice on September 10th, which I believe that was supposedly all this work was done in one day, this was remarkable in my point. You mail it out on September 10th, I believe that was a Thursday. It goes in the mail. Taxpayers do not get that Change of Value until possibly Monday. Well, lo and behold, I mailed a bill on Tuesday. Now if you don't think that's confusing to the taxpayer, somebody please stand up and tell me otherwise. And what are you going to do if you're looking at a tax bill that says you owe X-number of dollars and you've got another piece of paper that, you know, that's conflicting or whatever. You know, the taxpayer pays the bill, and 85% of these did righteously so on time. I agree with you, please we can't —, this can't happen in the future. I asked the Board of Assessors' attorney to please try to draw up some type of written agreement that in the future if there is some kind of problem of this nature, to please contact my office and notify me of what's going. Don't just approve it in your Board minutes that, yeah, we made a bunch of errors. So what? We're within five days of mailing out a bill. It meets the Department of Revenue's opinion that it's not final yet until the bills are mailed is hogwash. You know, there's got to be communication between these two departments. Two or three years ago a very similar situation and this took effect when Mr. Udinsky was the Chief Appraiser at the time and they discovered —, do y'all remember that, the 800 pieces of property that were on Skidaway Island and Isle of Hope? They found out that the values were not correct. He stepped up to the plate and ultimately lost his job when he said, "I'm not ready" and everything got delayed. Our whole billing cycle, approval of the millage rate, everything was delayed by 30 days. That's the first time in the 10 years that we could not get the bills sent out on September 15th with a November 15th due date. We had a —, we had a later due date. I think it was December something, if I can remember correctly, but that's the point I'm getting at. We've got to have communication, and there was no communication here. These notifications did not reach my desk and luckily an alert staff member saw COV after digest and realized something was not right and brought it to my attention. And again this is November 22nd. You know, even if these were done properly and he filled out the MPO process, September 10th they would have had until October 10th to file an appeal. These notices sat an additional 30 some odd days.

Chairman Liakakis said, Mr. Attorney —. County Attorney Hart said, yes sir. Chairman Liakakis asked, do you feel after your investigation because of court decisions that it could possibly cost double or triple the amount of attorney's fees for the taxpayers to defend that in court if these people that had received those late notices would cost us? County Attorney Hart said, relative to the sum it depends on how many people appeal or how many people challenge this. I'm sure there's a lot of people out there that would have the, you know, the perfect right to make some very sound arguments. I'm not going to say they would win on ever argument, but they'd have the opportunity. You know, for the amount the County's talking about, yes sir, we would exceed that amount, but by how much, you know, would just be a —. Chairman Liakakis said, according to how many people. County Attorney Hart said, yes sir. Chairman Liakakis said, okay. Go ahead.

Commissioner Kicklighter said, I'd like to finish with the motion, Mr. Chairman. First of all, I would like to state as far as communicating, I think that's essential here. Also, as far as interpreting the law, I think if you put a handful of attorneys in a room and they'll all give you a different legal opinion. I'd like for the Board of Assessors, as well as government bodies, to remember who our bosses are. That's the taxpayers and in each instance I would suggest that we give the legal opinion, if it's within the law, that takes care of those who are our bosses, and that's the taxpayers in this County. They get the benefit of the doubt first, so that's what we need to do, you know, from here on out. That will come up later with a good suggestion to get communications back where we're all on the, you know, same page as far as representation and all. At this time I would like to make a motion. I move the Board of Commissioners, as the governing authority of Chatham County, upon review of the Tax Commissioner's report which stated the

uncollected items of the digest for the preceding year and the reason that the item has not been collected to have been properly accounted for, and direct the Tax Commissioner and the Board of Assessors, based on the our power under O.C.G.A. 48-5-154, to correct all errors of the digest, to abate or cancel taxes, and to make the necessary adjustments in the digest, to reflect that the change of value notices should not be sent, and that the account corrections should be made to the digest; (1) the person who has not paid the 2004 taxes be called upon to pay taxes as billed without using the change of value notices sent September 2004; (2) the person that has paid taxes not be subject to further change of value notice for 2004; and (3) those persons who overpaid taxes, based on the last change of value notice, receive a refund. Based on those three provisions, along with the original motion, I make that in the form of a motion.

Chairman Liakakis asked, do I have a second on that? Commissioner Odell said second. Chairman Liakakis said, okay, we have a second. Does everybody —, you know, this was a long —. Commissioner Kicklighter said, I sat down and worded this so legally. No, actually, I asked the Attorney to put this into legal form like that, so —. Chairman Liakakis said, okay. Commissioner Kicklighter said, — I'll be happy to provide a copy of this legal motion at any time to everyone.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, some discussion of the motion. I'm told that back in the good old days, Chatham County Commissioners were called Judges of the Inferior Court of Chatham County, and I find it interesting that the very first thing that we'll be voting on as a new Commission is a matter such as this, so I want to re-institute that from now on. We should all be described as judges from here on in because I feel like one as of making this motion. That's all.

Chairman Liakakis said, all right. We have a motion and a second for that. I'd like everybody to go on the board —, wait a minute. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, this is very sad that this has occurred, and I concur with all of the discussion and the motion on this board, but I think that it's our job to see what we can do to improve this in the future. Thank you.

Chairman Liakakis said, thank you. Let's go on the board for this. The motion carried unanimously. Chairman Liakakis said, all right, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Board of Commissioners, as the governing authority of Chatham County, upon review of the Tax Commissioner's report which stated the uncollected items of the digest for the preceding year and the reason that the item has not been collected to have been properly accounted for, direct the Tax Commissioner and the Board of Assessors, based on the Board of Commissioners' power under O.C.G.A. § 48-5-154, to correct all errors of the digest, to abate or cancel taxes, and to make the necessary adjustments in the digest, to reflect that the change of value notices should not be sent, and that the account corrections should be made to the digest; (1) the person who has not paid the 2004 taxes be called upon to pay taxes as billed without using the change of value notices sent September 2004; (2) the person that has paid taxes not be subject to further change of value notice for 2004; and (3) those persons who overpaid taxes, based on the last change of value notice, receive a refund. Commissioner Odell seconded the motion and it carried unanimously.

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ORDER OF AGENDA

Tax Commissioner Powers said, while I'm up here please, if it would please you and it would get my Chief Deputy, Mr. Robert Johnson, back to work, under the Action Calendar there's Item #3 that we're going to need to seek some action on to again retroactively adjust the overstated fair market value on a piece of property. If you could move that up and let us go ahead and get this out of the way. This is pretty much a no-brainer.

Commissioner Odell said, I'll move to amend the agenda to move this up. Commissioner Thomas said, second. Chairman Liakakis asked, that's on the Action Calendar? Tax Commissioner said, yes, it's Item #3. County Manager Abolt said, it's page seven, ladies and gentlemen, Item #3.

Chairman Liakakis said, Item #3, page seven. Okay. The Clerk said, you need to vote on that motion that was made. Chairman Liakakis said, there's a motion made. Is there a second on that to move it up. Commissioner Thomas said, I made the second. Chairman Liakakis said, all right, it's been seconded by Commissioner Thomas. All in favor put it on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

[NOTE: Item X-3 was taken out of order and was moved to this point on the agenda.]

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VII. COMMISSIONERS' ITEMS

1. POSITION OF ATTORNEY, BOARD OF ASSESSORS (COMMISSIONER ODELL).

Chairman Liakakis recognized Commissioner Odell. Are you ready?

Commissioner Odell said, oh, yeah. I'm sorry, I'm sorry. I was reading. I'm regretful that I brought this up. I brought it up because Tim [Walmsley] was going to —, had resigned the Board of Assessors as the attorney and Jonathan Hart on the night we were sworn in had mentioned that he had resigned and I'd indicated on the 5th of January that we should revisit this issue. Procedurally, what I'd like to do is to make some opening remarks and then I'd like to call on former Chairman of the Board of Tax Assessors, Attorney Tom Taggart, and then I'd like to ask specific questions to the Board of Assessors. And I think this is really a situation in which you ask the question, "Who are the Board of Assessors responsible to?" Even in Las Vegas when they check cheaters, the people who check the cheaters, they've got someone who check the checkers. Who's checking the Board of Assessors? Can the Board of Assessors act without and beyond the law? Who checks their action? And the only reason why I brought that up similar as it relates to the position for attorney, is that I have never had an attack as vicious as this attack when I simply asked the question, "Do we need to revisit the attorney for the Board of Assessors?" Let me put that in the light. On January the 4th we were sworn in. Mr. Hart and I talked before. He indicated that Mr. Walmsley was resigning. I thought it would be a good time to revisit that. On the 5th at Savannah Bread Company at 12:45 I spoke to the Chairman and told the Chairman we need to revisit that issue. I had my secretary —, I dictated a letter my secretary to send to Russ Abolt to have it put on the agenda. That letter was done the 7th. It came out and there are members of the Board of Assessors who published in this community that the reason that I had put this item on the agenda was because I had a candidate and that candidate did not receive the job and that candidate was a black female. I didn't even know any black female had applied. I had made the decision before I even knew that they had their decision. What they attempted to do was to divide first by race and when they called me and various people, Commissioner Stone called me. She had heard it, and I said, "Well, I can prove my motives are pure because I talked to our Attorney Hart, I talked to the Chairman, and Al St. Lawrence, who's a Republican, and the Sheriff. You're the Sheriff, you were re-elected, weren't you? Al [St. Lawrence], wave your hand if you agree that you and I talked on the 5th. [Sheriff St. Lawrence waved his hand.] Commissioner Odell said, I mean —, so I could —, unless I am omnipotent I couldn't have known about their decision. So when I proved to them that I wasn't upset about their decision and race could not be a factor, they said, "Oh, my God, it has to be Democrats against Republicans." Why is that —, Jon Hart before he was County Attorney was the poster boy for the Republicans. They've got a picture of Jon Hart with his brown hair blowing. He was the poster child for Republicans. How many of y'all know I'm Democrat? He's a Republican. How do I benefit from that? And then they leaked the story: "It's over the tax audit." Let me tell you what that is. Real property you're taxed at a percentage. Twenty-five years ago I bought furniture and I've only bought computers since. So you get an exemption of \$7,500. Your property is exempt up to \$7,500 you don't pay zip, but rather than go through filling out the extensive form, we made a determination the property is less than \$7,500; we're willing to pay as if it's \$9,000, pay that \$92 because \$92 money-wise is cheaper than spending the time [inaudible]. Realizing that that is an issue I've hired someone that the Board of Assessors will all embrace, it's someone who's dealt with them, who knows them and I think their friend who's going through my small little blue collar law office who will say there are no antiques here, babe; it's less than \$7,500. And I am hopeful that the Savannah News-Press will publish with the same fanfare that I overpaid my taxes. I paid \$92 a year when I could have paid zip.

Commissioner Odell asked, what are they doing? Why do you attack the messenger? Is it because you want to detract from the message? What is the message? Our Chairman gave a beautiful speech when he was inaugurated, sworn in, and he spoke about our working with the City of Savannah. He spoke about better use of your tax dollars. He spoke about consolidation. We're looking at the Recreation Department to consolidate. We're going to look into that. He's already planned the committee. There's some economics of scale in having combined departments. That's why we consolidated the Police Department. We're consolidating or considering consolidating on a variety of issues, but yet we're de-centralizing on this issue. Why? Here's why we did that. The poster child for evil, as painted by some Commissioners, was Gary Udinsky, and when he came back several years and said, "Whoa, the property of the —, at The Landings was incorrect," we went out on the Board of Assessors and he was fired or terminated, what have you. We have the same situation now, the exact same situation. Mr. Powers has just described it to you. My concern is that is there an economy of scale if we bring the attorney in-house or at least discuss it? Are we beyond discussion? Is Tom Barton the moral compass of this community? I've talked to Tom [Barton] and he's not my moral compass and —, I mean, can we not discuss this? What concerned me is in all honesty is that they first attempted to divide this Commission by race. They wanted you to believe that I was a racist and when that was proven to be untrue, or a [inaudible], then they moved to the next theory that I'm a tax cheat. When they called Danny Powers and found, "He paid his taxes," and I probably paid more taxes than I was required to pay, so we can't say he's a tax cheat, what is the issue? The issue is twofold. Should the Board of Assessors have their own attorney? I don't think anyone can disagree that that is an exact area of work. I make no judgment about the work done by the prior Board of Assessors' attorney. From all indication and what I've been able to see, it looked like it was done correctly, and I have no problem

with that. That is not the issue. It's not about people. It's about policy. Who's ultimately accountable for your tax values? Who checks the checkers? They're checking your tax dollars, but most of you are aware that we have what's known as a Board of Equalization. The Board of Assessors, we may be bad, this other prior Commission, but we appointed them. I mean, God didn't —, it's not in Luke Chapter 6 that they be Board of Assessors. We made that decision. With all of our human frailties, we made that decision. At some point last year or in '93 [sic], Russ [Abolt], they decided that one of our members was good enough to serve as liaison to the Board of Assessors. He would go over there. He got the five votes. He would leave his chair, go over to the Board of Assessors, and now the Board of Assessors says we must create this independence. My only question is when you have your people on the Commission, you wanted unity and we could sing those spiritual songs and it's good enough for him to come over there, but when you or your household gave money to three Commissioners who lost, now we need this independence and separation. That is a specious argument. It does not hold up to an intellectual test and I am legitimately concerned. I make no accusation, but I do have the numbers and numbers do not lie. The Board of Equalization appointed by the Grand Jury, if you build a house, go get a loan from whatever bank, build a house, and you build it for \$110,000, you take those paperworks normally to the Board of Equalization and that's what the value is set. These are people selected by the Grand Jury. The Board of Assessors in 2001 appealed zero numbers of decisions of the Board of Equalization. They appealed not one. The Board of Assessors appealed in 2003 48 decisions of the Board of Equalization. They appealed 25 for 2004. The question again is who checks the checkers? How do they make that decision which one they appeal and in that the Board of Equalization makes the decision, they are appointed by the Grand Jury, they make —, and all they need is three votes to make a decision —, a decision not only to appeal but to dedicate County money to fight that appeal. Is there an opportunity for abuse? If they are not checked, how do you know that they are not abusing it? I want you to assume that, regardless of what Tom Barton said, I get appointed to the Board of Assessors; that I don't like, uh, Dean Kicklighter. That whole Board of Assessors —, but I like Dean, I can use him. On the Board of Assessors Dean [Kicklighter] has a piece of property, he goes through the procedure and, as a voting member and knowing these people on the Board of Assessors, I said we're not going to go along with the Board of Equalization, we're going to appeal the decision of the Board of Equalization and send Dean [Kicklighter] to Superior Court and we will pay the attorney's fees to prosecute that. Doesn't it concern you of who's checking those who claim to check you? Danny Powers is an elected official. Every four years he has to come before you and stand up and face opposition and you have to vote for him or against him. They have the freedom of not being elected. The simple fact that they are not elected doesn't mean that they're not questioned, that we should not have systems to question what they do. Are they above the law? Have they no obligation of accountability? As to the attorney, my personal position is that they need someone who understands the issues as it relates to the Board of Assessors. And it would probably be good for all concerned if they could have that consistency. I would also believe that to be true for MPC, that to be true for Danny Powers, and so forth and so on.

Commissioner Odell said, the Savannah News-Press failed to tell you that there are 159 counties in Georgia —, 159. Having your own attorney with your being the Board of Assessors is probably like three or four out of 159. It's about as rare as a two-headed snake. Is that information that would be helpful in your understanding the issues, that 155 counties do it the way we used to do. For a hundred years we did it this way. For two years whenever an enigma, low voter turnout, we accidentally got the two wrong people on the Commission, and a community mistake, but we corrected that and now we have Commissioner Stone and Commissioner Shay. And I want to say welcome to both of you. Having said that, I'd like to call on Mr. Taggart. Tom [Taggart], could you come up for a second? And, Tom [Taggart], you'll have to give them your name and title and all that —, and let me just say before you start. I'm a blue collar lawyer. This is a big time lawyer, national big time lawyer. So, if I give him a lot of honor it's because he is the big deal and I'm a happy meal. Tom —.

Mr. Taggart said, thank you, Commissioner Odell. Mr. Chairman and Judges, my name is Tom Taggart. I'm an attorney here in Savannah. And I want to tell you why I'm here and I just want to make a few brief comments. I don't want to get embroiled in controversy. Six years on the board, my good friend Joe Mahany was Chairman of the Commission, I had enough controversy —. Commissioner Shay said, you sure did. Mr. Taggart said, I remember, Pat [Shay], you were there and Harris [Odell] was there and Dr. Thomas was there. Those were fun times. But let me say something. We went through a tremendous change years ago with the board. We voted a new computer system, if you'll remember, a very expensive system. We re-valued all the property in Chatham County, went through a County-wide re-val. We didn't have Stephens-Day bill to protect us. Every time we sent out a re-val, every homeowner's property taxes went up. Even though you didn't increase the millage rate, their taxes went up. But we never had chaos and what I'm concerned about is I'm reading in the newspaper this last week or two that apparently, and I'm very surprised about this, apparently the Chairman of the Board of Assessors says without having an attorney sitting there with them every minute, there was chaos and I don't understand it. We had turmoil in the community, but there was never chaos in the department. Appeals were filed timely, all cases were handled timely, appellate court and Supreme Court cases were handled in a timely fashion. I've been off the board eight, nine years so apparently they're six years behind from what I'm reading in the newspaper on litigation. If they are, that certainly occurred after my watch. But I want to give you though just a different point of view than what I've been reading about, and it's important that you have all points of view in order to make an important, informed decision. The Board of Assessors does need its own attorney. That is different though than having an independent attorney, and I was very shocked to read that for the last two year they've been paying somebody \$80,000 to be an independent attorney, and here's the reason. The board has to be independent because they cannot be subjected to political pressure if they're going to be fair because all of their appraisals have to be uniform and fair market value, and that's why the board has been set up constitutionally throughout the State of Georgia to sort of be independent. But the problem is there has to be accountability. You nine people, you nine judges, this is where the buck stops. You are accountable to the public. Jonathan Hart, and I haven't spoken to Jonathan [Hart] about this, is accountable to you. Every attorney working for the County, you've got to speak with one voice. You cannot have two or three or four or five independent voices. Jonathan Hart cannot come up with a legal opinion and then the Board of Assessors' independent attorney, who answers to nobody, has a different opinion. Now what do you do? You see, we lawyers can be wrong and we

often are wrong, and judges are wrong, and appellate courts are wrong. We don't always get it right, but you've got to speak with one voice. The public has to have confidence in what the Board of Assessors is doing, and if you don't speak in one voice, you are going to have chaos. In six years on the Board of Assessors I can think of maybe one or two occasions in six years that we had the County Attorney come over —, it was Tom Mahoney in those days —, to sit with us because we had an opinion we wanted or we had a legal question. I don't understand day to day meetings why you need an attorney sitting there. I don't know what the attorney's doing. You have a very competent staff over there. Let me tell you something now. Gary Udinsky was extremely competent, Sheryl Snider extremely competent, and those men and women that work —, and they're understaffed, and I'm not here to make a pitch for more staff, but they are understaffed. They're traditionally understaffed. Why? Nobody likes the Board of Assessors. Why? Because they increase our taxes. As I said, Stephens-Day that has hopefully ended a lot of that except you still have your commercial property, appeals on your commercial property problems, but this board should have its own attorney and they should be able to pick their attorney. We picked Julie Culhane. She's a very fine lawyer, she did a great job for us, but she answered to the County Attorney. She was paid through the County Attorney's budget. We didn't set her salary and she didn't act independent of the County Attorney. Basically she handled appeals to Superior Court, basically she handled appeals to the Court of Appeals or Supreme Court of Georgia. If the Board of Assessors was sued, it would first go to the County Attorney and maybe Tom Mahoney or his staff would do it or Julie [Culhane] would do it, but there has to be accountability. The accountability must stop with the County Attorney. I support the board in having their own attorney, but not an independent attorney; not independent of the County Commission, not independent of the County Attorney's office. I read something, I think it was in this morning's paper or yesterday morning's paper where maybe politics would get involved. Well, politics doesn't get involved with these legal opinions. Let me tell you something, Jonathan Hart is a professional and he has his reputation in the legal community at stake every time he gives an opinion. If you think he's going to give a wacky, off the wall, crazy opinion to please some political entity, you may —, you just don't know him and you don't understand what lawyers do. So don't worry about if you have an attorney for the board that answers to Jonathan Hart that the board is now going to become a highly political body. It is not. It has certain guidelines and parameters. There are professional ways that you evaluate the fair market value of property. There's guidelines. These board members go to school. Of course, all the department members get a great deal of training and education. You see, you've got a professional group over there in the Board of Tax Assessors. The board, I'm sure, is trying to do what it considers is right, but you can't speak with two voices, and I guess that's the point I really want to end with. Consider that you must speak with one voice and having their own attorney, but not an independent attorney who answers to no one would be a mistake. Have an attorney who answers to the County Attorney, and then I think whatever this chaos I'm reading about in the paper, it will all go away. Thank you.

Commissioner Odell said, Tom [Taggart], thank you. I would ask the Board of Assessors to present someone who could answer questions. Is there someone from the Board of Assessors here who we could ask questions or address —, just a few short questions? Mr. Joe Vestal said, yes sir. Commissioner Odell said, good morning, Mr. Vestal. How you doing? And so the newspaper will know —. Mr. Vestal said, I'm sorry? Commissioner Odell said, so the newspaper will know, you and I have never had any bad blood. Mr. Vestal said, no. Commissioner Odell said, you don't know me and I don't know you. Mr. Vestal said, no, no. In fact, you voted for me to be on the board. Commissioner Odell said, I did. Mr. Vestal said, and you voted for our attorney. Commissioner Odell said, I did. Mr. Vestal said, there's never been any —. Commissioner Odell said, the only thing looking like it is that if I saw you [inaudible], but we don't know one another. Mr. Vestal said, and it's not my nature. Commissioner Odell said, it's not your nature and it's not my nature. Chairman Liakakis said, name and position. Commissioner Odell said, oh, I'm sorry. Mr. Vestal, give your name and position. Mr. Vestal said, I'm Joseph C. Vestal. Commissioner Odell asked, and what is your position? Mr. Vestal said, I am the Chairman of the Board of Assessors. Commissioner Odell asked, and as the Chairman of the Board of Assessors, are you an employee of the Tax Commissioner or on the board? Mr. Vestal asked, I'm sorry? Commissioner Odell asked, are you an employee of the Board of Assessors? Mr. Vestal said, no, I'm appointed onto the board. Commissioner Odell asked, and you're not the Tax Commissioner, are you? Mr. Vestal said, no sir. Commissioner Odell said, okay. And how long have you been the board chair? Mr. Vestal said, I think two and a half —, two and a half years, I think. Commissioner Odell said, that would have started in '03? Or '02? Mr. Vestal said, '02, yeah. Commissioner Odell said, '02. You're familiar with the Board of Equalization, are you not? Mr. Vestal said, yes sir. Commissioner Odell said, I want you to tell me if you agree or disagree that in 2001 there were zero appeals from the Board of Equalization? Mr. Vestal asked, 2001? Commissioner Odell said, right. Mr. Vestal said, that's correct. Commissioner Odell said, okay. Would you further agree in 2002 there were 16 appeals from the Board of Equalization? Mr. Vestal said, that would be correct. Commissioner Odell said, okay. And for 2003 there were 48 appeals? Mr. Vestal said, that would be correct. Commissioner Odell asked, so that the members and the citizens know —. Mr. Vestal asked, may I add something? Commissioner Odell said, yes sir. Mr. Vestal said, in '01 there was no board for part of that year, so there couldn't be any —. Commissioner Odell said, appeals. Mr. Vestal asked, I'm sorry? I'm having problems hearing you too so —. Commissioner Odell said, yeah, I'm sorry. Mr. Vestal said, in 2001 there was a period of time where there was one Board of Assessor, I think, Mr. McGraw, and nothing could be certified to the BOE. Commissioner Odell said, okay, but looking back in 2000 there were more —, in 2000, there were enough in 2000, were there not? Mr. Vestal asked, did you say 2000? I'm sorry, I —. Commissioner Odell asked, in the year 2000 you had 10 appeals? Mr. Vestal said, that would be correct. Commissioner Odell said, so if you ignore 2001 and you go to 2002, there were 16 and 2003 there were 48. Is that true? Mr. Vestal said, yes sir, I'm just looking at the numbers. Commissioner Odell asked, and in 2004 there were 25? Are those fair and accurate numbers? Mr. Vestal said, yes sir, what the staff's given. Commissioner Odell said, now for information and for the record, the Board of Equalization is appointed by the Grand Jury. Mr. Vestal said, I would —, yes sir, that's correct. Commissioner Odell said, okay. And these appeals which you've agreed to are appeals by the Board of Assessors from decisions of the Board of Equalization. Is that fair to say? Mr. Vestal said, that would be correct. Commissioner Odell asked, does the Board of Assessors operate based upon the rules —, Robert's Rules of Order? Mr. Vestal said, yes sir. Commissioner Odell said, which means that you have five members, do you not? Mr. Vestal said, yes sir. Commissioner Odell said, and in order to

appeal a case, how many would it take? Three? Mr. Vestal said, three, yes sir. Commissioner Odell said, so three people could determine whether or not you appeal a Board of Equalization decision? Mr. Vestal said, that would be correct. Commissioner Odell asked, are you as the board chairman familiar with Official Code of Georgia 48-5-314? And that section is entitled, Confidential Information. Mr. Vestal said, yes sir. Commissioner Odell asked, and as you a familiar with it, you are aware that information contained in a taxpayer's file is confidential? Mr. Vestal said, yes sir. Commissioner Odell said, okay. And if a board member breached that confidentiality, would that be an ethical breach of their duty in your opinion? Mr. Vestal said, I would say so. Commissioner Odell asked, and if they breached that ethical duty and you agreed that there was a breach of that ethical duty, what would occur if you concluded that they have breached it? Mr. Vestal said, well, I guess it would censure them in some way. I'm not sure what the repercussions would be. Commissioner Odell asked, is there policy regarding violation of Georgia law and breach of confidentiality regarding the taxpayer's file? Do you have a policy? Mr. Vestal said, that's —, I only can reverse the financial documents, I think. Commissioner Odell asked, sir? Mr. Vestal said, financial documents. Are you saying —? Are there —, anything —, I'm getting a little confused here with this because I'm not an attorney. Commissioner Odell said, oh, I know, I know that. Mr. Vestal said, everything is public record that's in our office. Everything. You can go look at my property today on the Internet. Commissioner Odell said, well, let me —. Mr. Vestal said, now the only thing confidential is if there's financials. For instance, if we're doing income method on the property. Commissioner Odell said, right. Mr. Vestal asked, okay? Or, of course, you wouldn't have financial information from a real piece of property of this residential, but I think on a commercial piece of property sometimes we do the income method. Now that is confidential. In fact, one of the —, the [inaudible] came and talked to us one day and brought their financials and we made sure they all got those back. But that's —, I don't know where you're going with this, but —. Commissioner Odell said, here's —, here's where I'm going. One is that under the Official Code of Georgia, 48-5-314, entitled Confidentiality of Taxpayer's Record, Exceptions and Penalties, and it's my reading of that code section that all records of the County Board of Assessors —, Tax Assessors, which consists of materials other than a return obtained from or furnished by an ad valorem taxpayer shall be confidential and shall not be subject to inspection by any person other than authorized personnel or appropriate tax administrator. Mr. Vestal said, I can't answer that question. Commissioner Odell asked, I understand. You currently have your attorney, right? Mr. Vestal asked, I'm sorry? Commissioner Odell asked, you currently have your attorney here? Mr. Vestal said, yes sir. Commissioner Odell said, okay. Could I just ask —. Mr. Vestal said, you know, you're asking me legal questions and I'm not an attorney. Now anything on real property is out there. I mean, the only thing that's confidential is financial numbers, I think, because you can go on the internet and look —, I can look at your property, my property, anybody's property. I don't know where you're going with this and —. Commissioner Odell said, it's my problem and I apologize and I'll tell you, as to the ad valorem, which has been the reason that I have started this, according to the Savannah News-Press —. Mr. Vestal said, well, it has nothing to do with you. Commissioner Odell said, I understand that, Joe [Vestal], let me finish. Mr. Vestal said, okay. Commissioner Odell said, if I submit my tax documents to you, those tax documents are confidential, according to that code section. And you have your attorney here and I invite you to ask him —. Mr. Vestal said, well, I need to because now you're starting to get into a legal matter that I don't know. If you ask me about the codes I've learned, I can tell you that. Commissioner Odell said, yeah, let me drift away from that —. Mr. Vestal said, I want to explain something. I don't know you, you don't know me. I have never ever done anything for or against you, anybody on this board. I work like that. One of the things that we tried to do when I came on this board was everybody gets the same deal. If you're an elected official or not, you get the same deal. Commissioner Odell said, that's what I want, but my concern is that I wrote to the Board of Assessors on the tax —, the Board of Assessors a letter and as soon as it was opened, it was given regarding my ad valorem tax, it was put on Mr. Rayno's e-mail. Now, I don't get that and I'm wondering if somebody else got it. Mr. Vestal said, I don't either. Now I don't either. Now if it's a Freedom of Information Act, you know, we have to give the information. Commissioner Odell said, you don't have to give confidential information. Information that's confidential you do not have to give it, information that's set out in the code section, confidential information, you don't have to give it. And we're getting into a legal discussion and it's unfair to you and it's unfair to me [inaudible]. Mr. Vestal said, I want to just —. Commissioner Odell said, and I apologize to y'all. Mr. Vestal said, there was an e-mail —, not an e-mail, a fax sent. We met, we had a special meeting on Friday, which was advertised as required. That was advertised. At 12:30 we broke. At 3:54 you had sent a fax to us. Correct? Commissioner Odell said, no, I didn't send a fax. Russ Abolt. Mr. Vestal said, or Russ [Abolt] did, somebody at 3:54. It was referring to that. Therefore, I didn't know what was going on. I had no clue. Commissioner Odell said, I think you and I have been caught between and betwixt and the reason is I made a decision on the 4th to investigate this. It didn't get through the County Manager's until the 7th, which was unfortunately after your meeting. Mr. Vestal said, right. Commissioner Odell said, so you look at it and say, "Is he responding to our meeting?" because it looks like —. Mr. Vestal said, absolutely. Commissioner Odell said, [inaudible]. I understand the mistake. Mr. Vestal said, absolutely. Commissioner Odell asked, can you understand that my concern too that if something immediately goes on the internet from an opponent —? Mr. Vestal said, I agree with you. Commissioner Odell said, that —. Mr. Vestal said, I agree with you. Okay. Let me say something. May I? You know, I've been sitting here being bashed and hammered and anything —. Commissioner Odell said, join the crowd. Mr. Vestal said, listen, as you know, I had to be compelled to do this job. Commissioner Odell said, I know. Mr. Vestal said, they —, I didn't really want to do it. I sold my boat to do this job. Commissioner Odell said, I always thought that was a mistake. Mr. Vestal asked, what's that? Commissioner Odell said, I always thought it was a mistake your selling your boat. Mr. Vestal said, I know, but I want to tell you how I feel about politics, if I may. Can I, Mr. Chairman, would it be all right? All right, you know, we're supposed to have these contests where we go out and we vote and we try to get the votes and we do all this type of thing. Okay? In Chatham County it's turned into a blood sport. You know, it's like the gladiators in Rome and the guy that loses gets his head chopped off or vice versa, whatever. You guys won the election fair and square and you're my team. I'm not going to cut my face off because my team didn't win. It's like if the University of Georgia, which I believe the Red and Black, if they change their coach, change their players, I want to root against them? You guys represent us, the President represents us, we've got all these people representing —, you're our team now. And I talked to Mr. Shay the other day and said I hope you do a great job and I appreciate you asking for the information —, right? Commissioner Shay said, yes sir. Mr. Vestal said, and I said would you come over to see us because I'd like to explain what we do."

Everybody thinks we're some little gremlins trying to get taxpayers and that type of thing. Could I tell you this little story, Mr. Chairman, if I might have a second? Commissioner Odell said, please yes, let him —. Mr. Vestal asked, is it okay, Mr. Chairman? Chairman Liakakis said, yes sir. Mr. Vestal said, well, a friend of mine asked me what I was going to do for Thanksgiving —, for Halloween, and are you going to a party? I said, no, I'm staying home this year. And he said, well, are you going to dress up? And I said, no, I'm going to get behind a bush and let the little kids come down and I'm going to jump out and say, "Tax Assessor" and scare them. So now when I see him and he's down, I say "Tax Assessor." So, you know, I want to make something plain is that you're my team. You're my team, I want to support you, I want to do everything I can. We had some —, we had some errors in the last tax digest. Let me tell you something. We could have brushed things under the table and hid those and put them out next year. We didn't. We —, what we do is we take our crazy aunt, we take her out of the basement and put her on the front porch. We're a completely open office. When there's something comes out about where I live, I leave the room. I don't even stay in the room. We've tried to work this board to be fair to everybody and I want to make that clear and, Mr. Odell, I could possibly [inaudible] you whatever we do. I want you to know that. Commissioner Odell said, you know, you and I should have talked. Mr. Vestal said, absolutely. I'm in the book. Commissioner Odell said, we should have talked before the newspaper started bouncing the story back and forth. Mr. Vestal said, absolutely. Commissioner Odell said, but my goal is not to say you don't need someone dedicated. Mr. Vestal said, right, I didn't think so. Commissioner Odell said, I'm just saying ultimately that person needs to report to the County Attorney even if he's dedicated to you all. Mr. Vestal said, well, you know, —, you know, that's the thing. One thing, I'm not from here. Commissioner Odell said, I'm not either. Mr. Vestal said, and I spent most of my life in Atlanta and I was at a [inaudible] rally one day and this guy says I don't really like so-and-so. Well, sometimes in Chatham County it seems like if a friend of yours don't like somebody else, you're not supposed to like them either. You know, my thing was I like both of you. You guys need to figure out what your problem is. I'm not going to be on one side or the other. But I want to make that clear that I will support you guys, I will work for you, I'll do whatever I can for you. I mean, if you guys don't want me, fine, I'm gone because I'll get another boat and, Harris [Odell], we'll go fishing, and I want to tell you one other thing, if I may, is we had a —, we had some appeals in here. I don't remember which year. They had a new roof over the building, okay. They screwed up the paperwork. The only way we could correct it —, correct that was to appeal it. So that's going to skew that number. Mr. McMillan over there was the same thing. We had this thing that we had an adversarial situation with the BOE and I've had lunch with him. He's invited me fishing. So I tried to explain to him we use the BOE sometimes to find information that we don't have. For instance, a lot of people don't want you to come into their house to see if that attic is finished. That's fine, that's your right. You know, you don't want —, you don't have to let anybody in your house unless they have a search warrant. Correct? And that's fine, but sometimes we use the BOE to find information out. Now what happens when we appeal things is there's an outlier from —, it's out of the norm. If you've got a baseline of \$100,000, then we should be within 10% of each. If we get out of that realm too much, over 110 under 90, that's outliers. And that's what we look at. We don't —, what's our credo, Sheryl [Snider]? Ms. Snider said, the facts. Mr. Vestal said, just the facts. What happens if we [inaudible] up there, just the facts, ma'am, what we would do is we —, every time that we have BOE decisions the staff compiles a percentage of increase. Okay? And what we do is we take that and we have the appraisers to write it up. Why? So that we can have a 40% increase because of low lands. Chatham County has more exemptions than any county in the State. We've got more strange property. We've got rehabilitating property. We just —, let me tell you what we did. You know, we're always the mean little gremlins and getting all the potions over there, but the Historical Society came over to see us one day and talking about a rehabilitating property under Stephens-Day. Stephens-Day is a simple law which is very hard to work with. What it was, was once you get a Stephens-Day that locks in —, basically locks in what your appraisal will be for the [inaudible] exemption. Okay? So what happened was the previous board had written a procedure. Procedure is not a law, it's a procedure. So they had written that after 10 years that's what the covenant is that they were getting their Stephens-Day then, which was 10 years of inflation. So what we're doing is rewriting the procedure is after we get the fair market value that first year, they will get their Stephens-Day after their covenant's over in 10 years. That's the kind of things we've done.

Chairman Liakakis said, Joe [Vestal] —. Mr. Vestal said, yes sir. Chairman Liakakis said, — one thing that I think all of the people that worked in the Board of Assessors' office in addition to the Board of Assessors, that this is really important, this 48-5-314 —. Mr. Vestal said, yes sir. Chairman Liakakis said, — about confidentiality, which is law, that they do not give that information out. They —, everybody should know this. That he was just reading out this particular code section right there because it's important. It's not fair to our citizens. All the information that was not learned that —, about our Commissioner Odell that he had been paying those things even though he had not filed a return like hundreds and hundreds and hundreds of other businesses in this community don't file the returns, but they pay what they've been paying over the years, you see. But what happened was immediately somebody gave this information out against Commissioner [sic], whether it was Commissioner Odell or some other citizen in this community and especially some citizen that cannot, you know, protect themselves and afford an attorney or do something to help them. But everybody, and there's really no excuse that the people in the Board of Assessors, all of them that's connected to that board, doesn't know what this particular law is because it's spelled out in Georgia Code, and what should have happened before is the attorney for the Tax Assessors' office, you know, or the Board, they should have given that information to everybody. Just like you said you weren't familiar with it, but that information should be there so that we protect our citizens and this thing is handled in a proper legal manner. That's one of my concerns on this.

Commissioner Odell said, Joe [Vestal] why don't we do this. I don't have a problem with you all having a dedicated attorney, never did. Mr. Vestal said, we've always agreed on this. Commissioner Odell said, and when you came here and asked for additional staff —. Mr. Vestal said, absolutely. Commissioner Odell said, — I made the motion to approve it. Mr. Vestal said, by the way, that was for personal property. And you did and that's what I'm saying. You know, I wished you would have called me. Commissioner Odell said, I was thinking you were going to call me. We're going to start singing here if we do this a lot more, Joe [Vestal], but I'm really glad that we had an opportunity to talk and we will talk in the future. My only concern is that, and my wife says that I'm paranoid. I believe that I'm

paranoid if they're out to get you or if it's true that they're out to get you, you ain't paranoid, it's a fact. And this look like you're out to get me, and I don't know —, I'm not walking [inaudible] into the night. Mr. Vestal said, oh, I'm pretty laid back and too old to be otherwise, but I think it was a coincidence and —. Commissioner Odell said, I do too. I talked to Sheryl [Snider] yesterday afternoon and I could hardly understand her because she had such a bad cold, and she and I went through from start and I think that the audit, and I called some friends she had audited them, it was just bad timing. Mr. Vestal said, absolutely. Commissioner Odell said, what I understand —, I hired Albert McMillan and he says, "You're entitled to an exemption," because this is my old furniture and —. Mr. Vestal said, that's what I was going to say that when you added depreciation schedule old your stuff's depreciated out. Commissioner Odell said, except a few computers. We'll get that to you, and I thank you.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, a general comment. I don't know you. We've had a phone conversation earlier this week and I enjoyed having the conversation and appreciate the fact that you're willing to do this thankless, scarey job. And I also agree with you that unfortunately the political environment in Chatham County has become a blood sport, and I think that's an unfortunate circumstance and I think it leads to a lot of distrust and the kinds of things that have been going on and playing out in the newspaper here lately. But my point is this, that the politicizing of the Board of Assessors is a bad thing for our citizens' trust in government and I will tell you that there is the very strong perception in the community —, and I don't say this because I'm a blood sport player, I'm not —, that the Board of Assessors has become politicized, and I want to work with you, I want to work with the other Commissioners to try and remove that perception from the community. I think it was a mistake to have one Commissioner be a liaison to the Board of Assessors and I —. Mr. Vestal said, I really didn't have a choice in that. Commissioner Shay said, please, please let me go on. And the reason is because that added to the perception that the board had become politicized. I don't think that there should be a liaison, my personal opinion, if the Commission chooses a liaison, per se, in the future, although I am thankful for the information that he furnished me, which is really just all about numbers, so that I could better understand where the money comes from and hopefully be better educated as a Commissioner to make decisions on a going-forward basis —. Mr. Vestal said, well, I would —, I would —. Commissioner Shay said, —, but let's agree all of us that we're going to do what we can to help unpoliticize to the extent that we can. That's why the law is, I believe, as Tom Taggart explained, such that there is an insulation between the Board of Appeals [sic] and us political folks so that it won't gain that appearance and we need to work on that. And I very strongly believe that what's been proposed today, which is to say that you have legal representation but that that representation is a part of the team here will help to do that in a lot of ways. Mr. Vestal said, well, you know, one reason I have an ulterior motive for you coming over to see us, I want some help on our space planning. We don't have enough space. Commissioner Shay said, that might be a conflict of interest.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, Joe [Vestal], you can go sit down because I don't have anything to talk to you about. Mr. Vestal said, you always give me a hard time, go ahead. Commissioner Gellatly said, what I'm going to do is make a specific motion, but before I do that I'd like to make a few just general comments, if I might. I've been very quiet and listened very carefully while everyone talked. I'd like to start by thanking Danny Powers for bringing the tax bill discrepancies to our attention and I would also like to say at this time that I know that right now the Board of Assessors and the professional staff have some issues that they need to tend to, but I want to tell you that this is one Commissioner that thinks that we're very fortunate to have a very competent Board of Assessors that there's not lines and lines of people standing and waiting to take your job. So I think we're very thankful to have you and, as has already been pointed out, why you're —, everyone is unhappy with you, you don't make a lot of friends in the job that you have, and certainly this is true with the paid staff too. It's a thankless position. You can't ever do it right for everybody, and I just want to let you know that this Commissioner has confidence in you, the Board of Assessors and the paid staff. That doesn't mean that you're not capable of making mistakes and that there isn't room for improvement. And I'm sure that we'll all get to see that. I had the opportunity to live through part of the Udinsky era, and I don't think that we're even close to approaching that at this point in time. I think that was an era that was certainly exciting and event-filled, events that we don't want to relive any time soon, and I remember during that period of time that —, how the attorney was —, issue came about at that —. When I came on the Commission you had an attorney, the perception whether it was real or not, was that the attorney was —, when I said you had an attorney, they came out of the attorney's office, I think, and the perception was that the attorney wasn't available to you when you needed them and that it was —, if they didn't have anything else to do they might come up and take care of your work, and I think that was terribly wrong and we as a Commission at that point in time, and keep in mind there were a lot of things going on, and we reacted and our action was to give you an attorney that you could hire and fire at will. I don't apologize for that. I think it was probably proper at that point in time. I voted for it and if the circumstances were exactly the same today, I'd vote for it again. After saying that, I'd like you to know that I've been a local government employee or an elected official for 44 years and I would be the first one to tell you that it would —, for it to be the custom or practice of any government agency to allow units of government to hire their own attorneys would be a huge and horrible mistake and it would be a situation where you would solve one problem and create a half a dozen problems. So I —, what I would like to do at this point in time is to make a specific motion. I would like to see us return to the policy that the attorney, your attorney, will be appointed by and administratively controlled by the County Attorney's office; however, I do want to make some conditions to that. I would like to see this attorney be a dedicated attorney, that his or her number one position and mission in life would be to support the Board of Assessors and be available to them at all times, and that would be number one, and secondly that the Board of Assessors be in a position that if they found this attorney to be incompetent or not responsive to them, that they can so inform the County Attorney and it would be his position to either shape that attorney up or replace him immediately. Another concern was, and it was issued in the —, discussed in the newspaper, was about a conflict. You know, the necessity for you to be able to conduct business independently of this Board, and I have no problems with that; however, if I'm not

mistaken, Jon [Hart], there's a provision in the law that allows that if there was a conflict between the Board of Assessors and the Board of County Commissioners at some point in time that couldn't be resolved, that could be referred to a Superior Court Judge, who would —, at that point in time would appoint an attorney to go ahead and settle —, an impartial attorney to go ahead and settle that.

County Attorney Hart said, that is correct, and there is a procedure there. We've had that come up once or twice. We've never had to actually resort to the procedure because it's always been a situation where we —.

Commissioner Gellatly said, well, I just want to state that for it was mentioned in the media that this proposal would take care of that. So my motion is that we return this position to the County Attorney's office with a provision that it be a dedicated attorney and that in the event that the attorney does not comply with the wishes of the board or is found to be incompetent or incompatible for some reason or other, that there be measures available where the County Attorney would either counsel or replace that attorney. That's my motion.

Chairman Liakakis asked, do we have a second? Commissioner Thomas said, I'd like to second that motion. Chairman Liakakis said, we have a second. Any discussion on that motion?

Commissioner Odell said, just one or two comments. Dave [Gellatly], would you amend to say that the Board of Assessors could even participate in the recommendation of the attorney to the County Attorney? I don't have a problem with that. Commissioner Gellatly said, you're a brilliant attorney. I agree with that and I'd like to have that in there too that certainly the —, that would save a multitude of problems if the board to begin with had some input as to who the new attorney would be.

Mr. Vestal asked, may I make a comment? February 1st we'll be without representation. Commissioner Gellatly said, okay, well, we're looking —. If this gets the votes, why you'll have immediately.

Chairman Liakakis asked, do you amend your second? Commissioner Thomas said, I would amend my second to include this last statement. Chairman Liakakis said, okay. Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes, I'd like to just make a statement that something Mr. Vestal referred to earlier, when one friend is no longer around you can't be friends. I just want to say personally this is kind of tough here because I think that two good people, and I know both of you individually, I think it's a shame that some how it was brought to some type of personal thing that's been out there when both of you are truly good guys, and I know both of you personally. I just want the people to know that my vote on the attorney as well as everybody up here, including Harris [Odell], I am a hundred percent confident our vote will take place whatever it may be, in the best interest of what we believe the people elected us to do. Nothing to do with personal and it's a shame, honestly, that two good people, your characters were drug a little bit through the mud there because you're both good, well-intentioned people and, as the Chief [Gellatly] here stated, you know, even good people make mistakes and, you know, but overall I appreciate the job y'all are doing, Joe [Vestal], and the mistake that I jumped on a little while ago, you know, I understand that you, you know, how you felt about that, but hopefully in the future we'll —, now with this policy passed, we'll set the precedents for the future when things [inaudible] like that. So with that, that's all I have to say.

Chairman Liakakis asked, Mr. Attorney, do you understand the motion that's on the floor that you make the decision who you feel is going to be dedicated to the Board of Assessors to make sure that they have an attorney on a 24-hour basis that —, and if there's a problem, then they come and let you know, but that you make that ultimate decision? County Attorney Hart said, yes sir.

Commissioner Kicklighter said, I think this motion would have to include the fact that we will have to allot more money to the County Attorney's office also. That needs to be included because he will need to hire additional personnel, so I think we need to amend the —. Commissioner Odell said, we'll transfer some money. County Manager Abolt said, once Mr. Hart determines [inaudible] —. Commissioner Odell said, right. County Manager Abolt said, — we'll make the transfer.

Commissioner Odell said, but I think, Tim [Walmsley], what you're saying is that you're leaving as of February 1. Mr. Walmsley said, that's the only reason that I'm speaking at this point. I just want the County Commission to know that effective February 1 I am no longer available to the Chatham County Board of Tax Assessors. Commissioner Shay asked, who are you? Mr. Walmsley said, Tim Walmsley. I'm the board's lawyer. Commissioner Shay said, okay. Mr. Walmsley said, I'm sorry. [Inaudible] no longer the board's lawyer, but I just want the County Commission to know that. The files have been boxed and prepared to be transferred over to the individual that the board voted in last Friday. Those boxes were going to be shipped over this week. I assume, and I just want the County to know, those boxes now need to go to the County Attorney's office. Those files will be in the County Attorney's office so something needs to happen. Funding is going to occur otherwise. Something needs to occur to make sure that that's covered, and I'm saying that to protect my client to make sure again this Commission knows effective February 1 there will be no representation.

Commissioner Shay asked, do we get to vote now? Commissioner Kicklighter said, let's vote, Pete [Liakakis].

Chairman Liakakis said, excuse me. Mr. Vestal said, Mr. Chairman. Chairman Liakakis said, excuse me. Yes? Mr. Vestal said, I don't mean to —, you know, we hired an attorney last Friday, which started a lot of this thing that's going on. I would like for the —, for his sake, not for anybody else's, for at least try —, ask Mr. Hart if he would try that attorney for some —, could you do that? County Attorney Hart said, I don't know the man so I, you know —.

Commissioner Kicklighter said, that's part of the —, that's part of this motion where —. Mr. Vestal said, I'm just asking —. Chairman Liakakis asked, are you making that —, you make that recommendation —. Mr. Vestal said, I'm just asking. Chairman Liakakis said, — and he looks at it and he takes it from there. County Attorney Hart said, I haven't even thought about that, you know, until about three minutes ago I didn't know the County Attorney's office was going to be taking this back over. I think it would be highly premature for me to try to prejudge something before I even have an opportunity to think about it. Thank you.

Commissioner Shay said, as of February 1, if this motion passes, then you certainly would provide yourself —. County Attorney Hart said, yes sir. Commissioner Shay said, — legal advice to them in the interim. Right? It's not as if they have no attorney, it's just they don't have their attorney, dedicated yet. Right? County Attorney Hart said, the County Attorney's office works on behalf of the Board of Assessors. We try to provide them legal advice as we would any other department and any other constitutional officer of the County. Commissioner Shay said, thank you.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just wanted you, Mr. Chairman, in making your summary to reiterate what Commissioner Odell said about having the input from the Tax Assessors' office on the selection of this attorney.

Commissioner Odell said, yeah, I don't think, Jon [Hart], you don't have a problem with that. You and Tim [Walmsley] always seem like you were held up. I worried about you there for a minute, but y'all got along pretty good, didn't you? Mr. Walmsley said, Jon [Hart] and I have always gotten along well. Commissioner Odell said, yeah, and Tim [Walmsley], we get along. My point is that you don't have a problem communicating with the new person or the board in making this selection, do you? County Attorney Hart said, no sir. It's just a matter of it needs to be given some thought. We've got staffing issues and, you know, as I said before budget last year for the new Commissioners, with the changes in the law on immunity, we're going to have a lot more litigation within the County. It's just a matter of fact of how much estimates that, you know, blow your mind to not super significant. You don't know until you get there, so I'm going to try to address —, try to address this in a manner that will be cost effective to try to take care of a multitude of issues that we might have to address, but I just can't do it standing here right this minute.

Chairman Liakakis said, we have a motion on the floor now and a second. Mr. Vestal said, Mr. Chairman. Chairman Liakakis said, Joe [Vestal], we've gone through all of this right now and the time, but go ahead if you want to say something.

Mr. Vestal said, there's just one thing. I want to remind the —, especially the new Commissioners, it's not one attorney, it's like five attorneys. One's our lead attorney and the rest —. Chairman Liakakis said, yeah, and he appoints the other four. Mr. Vestal said, right, so I just want to remind —. Chairman Liakakis said, yeah, and there have been five, but what's going to happen with this, it goes as this Board has said and in the motions that we have that the County Attorney makes that position and all of that. Mr. Vestal said, right.

Chairman Liakakis said, he's going to make sure, from what we understand now, to make sure that you have representation that's dedicated to the Board of Assessors and we'll go from that. And if there's anything that needs to come up, it can be brought back to the Board of Commissioners and we make the decision over that. But we want to get this thing settled and move on right now. We want to be fair not only to the Board of Assessors, but the citizens in our community to see that they are treated fairly.

Chairman Liakakis said, all right, we have the motion on the floor, we have a second on that. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Commissioner Odell said, let me just thank Tom [Taggart] and Joe [Vestal]. Thank you. Mr. Vestal asked, when are we going fishing? Commissioner Odell said, we need to.

Commissioner Kicklighter said, funding will be in place to hire all of the representation. Chairman Liakakis said, yeah, the funding will be there through the County Attorney's office to provide the attorney, the dedicated attorneys for the Board of Assessors.

ACTION OF THE BOARD:

Commissioner Gellatly moved that we return this position to the County Attorney's office with a provision that it be a dedicated attorney and that in the event that the attorney does not comply with the wishes of the board or is found to be incompetent or incompatible for some reason or other, that there be measures available where the County Attorney would either counsel or replace that attorney and that the Board of Assessors will be allowed input in the recommendation of the attorney to the County Attorney. Commissioner Thomas seconded the motion and it carried unanimously.

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- 2. ORGANIZATIONAL ITEMS: ELECT A COMMISSION VICE CHAIRMAN, CHAIRMAN PRO TEM AND CONFIRM THE DAYS AND TIME FOR REGULAR COMMISSION MEETINGS FOR 2005. (Note: This does not reflect possible changes mentioned in Item VI-1.)**

Chairman Liakakis said, I'm going to separate that at this particular time because that's a personnel matter and we have the Executive Sessions at the end of this meeting. We will go in and discuss for the Vice Chairman and Chairman Pro Tem for the County Commission and then we'll —, after we discuss that in there, then we'll come out and vote on it in the open meeting so everybody knows who the Chairman Pro Tem and the Vice Chairman are.

Chairman Liakakis said, now the other portion of that, Russ [Abolt], I'd like for you to go on about the changes that were mentioned before because of the conflict in dates for January 27th and 28th.

County Manager Abolt said, yes sir. Thank you, Mr. Chairman, and ladies and gentlemen. As I mentioned and the Chairman accurately summarized for you, now is the time for you to —, what amounts to the confirmation of actions of the previous board, which is not binding on you, but we need you to officially say what your meeting schedule are —, is. If you will look at the staff report, which is actually the second to last piece of paper before the tab. If you'll look at your book where it says, "CAT" and you go backwards two pieces of paper, there's something that looks like this. It's a calendar, and if I understand your wishes based on the discussion so far where there was no objection, you would be eliminating your meeting on the 28th of January and rather than meeting on the second and the fourth Fridays of February, you'd be meeting on the first and third. And not on your schedule, which is not necessary because it's not an official meeting, after this gathering we will begin to poll on a special workshop on budget, with a simple motion to in effect incorporate my remarks will get you where you want to be.

Chairman Liakakis said, okay. Do I hear a motion on the floor to accept the recommendation by the County Manager? Commissioner Farrell said, so moved. Chairman Liakakis said, okay, Mr. Farrell. Do we have a second? Commissioner Stone said, second. Chairman Liakakis said, Commissioner Stone, we have a second. All in favor signify by going on the board.

* * *

Chairman Liakakis said, if one of you would make a motion now.

Commissioner Shay said, Mr. Chairman, I would like to make a motion that Dr. Priscilla Thomas be appointed Vice Chairman. Chairman Liakakis asked, do we have a second? Commissioner Kicklighter said, second. Chairman Liakakis said, we have a second. All in favor signify the board. The motion carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.] Chairman Liakakis said, it passes.

Chairman Liakakis said, for the Vice —, I mean, for Chairman Pro Tem we have a motion on the floor please from someone —. Commissioner Gellatly said, I'd like to make a motion that we nominate and elect Dean Kicklighter, Commissioner Kicklighter. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Chairman Liakakis said, we have a second. All in favor by signifying yes? Commissioner Shay said, we have a no vote up there. Chairman Liakakis asked, who's is that? Commissioner Shay said, it's your's. Commissioner Shay said, there you go. Chairman Liakakis said, I'm not going to have that. The motion carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

Chairman Liakakis said, Harris Odell, Commissioner Odell had to leave. He had a prior engagement so he's not here at this time. Okay, that takes care of the election of officers.

Commissioner Thomas said, I'd just like to ask something. Chairman Liakakis said, yes. Commissioner Thomas said, I'd just like to thank you, as the Chairman, for making the recommendation and also to my fellow Commissioners for having the faith and confidence that I can serve in this capacity as Vice Chair. I want you to know that I will do my utmost to serve and to make you very proud that you made the selection, and I'm here to work very closely with the Chairman as well as you, as my fellow Commissioners. Thank you so very much. Several Commissioners said, thank you.

Commissioner Kicklighter said, I'd like to thank you, Mr. Chairman, and all of my fellow Commissioners here. I will do my best to work hard and hopefully represent everything that you would want in this position here and I really appreciate your confidence and I'll do my best to make you proud of me. Thank you very much to all of you.

Former Commissioner Joe Murray Rivers said, Mr. Chair, you've got all the leadership to your left. What happened to the tricky right side? Chairman Liakakis said, well, we've got —. Commissioner Shay said, they're the grown-ups, we're the freshmen. Former Commissioner Rivers said, okay. It looks mighty bare over there. Commissioner Shay said, our time's coming.

Chairman Liakakis said, oh, yes. Everybody you see will —. Former Commissioner Rivers said, don't make these old salts take advantage of y'all.

ACTION OF THE BOARD:

1. Commissioner Farrell moved that the Commission eliminate it's meeting previously scheduled for January 28th, and that the meetings in February be held on the first and third Fridays. Commissioner Stone seconded the motion and it carried unanimously.

2. Commissioner Shay moved that Commissioner Thomas be appointed as the Vice Chairman of the Board of Commissioners. Commissioners Stone and Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]
3. Commissioner Gellatly moved that Commissioner Kicklighter be appointed as the Chairman Pro Tem of the Board of Commissioners. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

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3. INTRODUCTION OF MRS. JAKIE HABERMAN, PRESIDENT OF THE WINDSOR FOREST NEIGHBORHOOD ASSOCIATION (COMMISSIONER GELLATLY).

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I'd like to have Jakie Haberman stand up just a minute. I'd like to introduce what I consider a very outstanding woman. She is the President of the Windsor Forest Neighborhood Association and any time you want to see a dynamic improving neighborhood, I would suggest you just drive through Windsor Forest. She's been the president for many, many years and I personally appreciate what you're doing. Thank you.

Mrs. Haberman said, thank you, Commissioner Gellatly.

Chairman Liakakis said, and thank you again, Mrs. Haberman.

ACTION OF THE BOARD:

Commissioner Gellatly introduced Mrs. Jakie Haberman, President of the Windsor Forest Neighborhood Association.

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CHATHAM AREA TRANSIT AUTHORITY

Chairman Liakakis said, I'll ask for a motion to recess the County Commission so that we can convene as Chatham Area Transit Authority. Commissioner Shay said, I'd like to make that motion, but I need to just say about Information Item first. The County's website has an incorrect e-mail address for me and if I could, I'd like to let people know my correct e-mail address is gmsarch@aol.com. The e-mail address on the County website currently is incorrect. I'm sure the County will do their best to correct that. And also I've gotten a phone number now which —, here it is, 238-4789. That telephone will only be answered by me and the answering machine. I'll try to return phone calls within 24 hours. But I will make a motion to go into CAT. Commissioner Thomas said, second.

Chairman Liakakis said, County Manager, you have that and will make the correction on that. We have a motion —. Commissioner Thomas said, I seconded it. Chairman Liakakis said, — to recess for the convening of CAT. Do we have a second? Commissioner Thomas said, second. Chairman Liakakis said, we have a second by Commissioner Thomas. All in favor go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

The Board recessed as the County Commission at 11:35 a.m., and reconvened as the Chatham Area Transit Authority.

Upon adjournment of the Chatham Area Transit Authority, the Board reconvened as the County Commission at 11:57 a.m.

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VIII. TABLED/POSTPONED ITEMS

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (*).

None.

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IX. ITEMS FOR INDIVIDUAL ACTION

(Unless the Board directs otherwise, adoption of an Action Item will mean approval of the respective County staff report and its recommended action.)

1. BOARD CONSIDERATION REGARDING APPEAL AND AWARD OF CONTRACT FOR INSURANCE AGENT/BROKER SERVICES.

Chairman Liakakis asked, Mr. County Manager, would you go into this?

County Manager Abolt said, yes, Mr. Chairman, thank you very much. Ladies and gentlemen, this is an issue where you must deal with something other than a straightforward bid. The County is soliciting from a broker record services, as the Chairman indicated when he was announcing the agenda item. This is a personal service contract. That gives you maximum discretion. The way in which we solicit the personal services contract creates a, if you will, not only a formal announcement of services requested, but also enumeration of evaluation criteria. In the case of this particular very vital service, the proposals were received and reviewed. There was a recommendation for award that occurred prior to close of the calendar year. There was a dispute, a disagreement between one of the proposers as to whether or not staff fully understood the merits of their proposal. There was a ranking, as you will see in the staff report. In this particular case I believe it's important for you, if you wouldn't mind, to turn to the staff report, which is right behind tab number one, and you will see in the staff report we've prepared for you today, we have summarized the rating sheet. We actually duplicated the rating sheet. It's on page six. Page six of the staff report is behind tab number one. It's very important, if you would, for a moment just to bear with me as I carry you through that again. These are qualitative criteria, and as I looked at them, because after we made our recommendations at the staff level to the previous board, an appeal was received from one of the proposers, and they have the right in effect to ask for a review of that, and they can —, they would go directly to my office. In this particular case when I looked at it and asked questions of staff, it was apparent to me that the differentiation really focused around the fee proposal. If you look at the spreadsheet there on tab six [sic], up until the time you look at the fees, it's extremely close. Two decimal —, two points. When you look at the fee disparity, that's what in effect swayed the [inaudible] of staff on making their recommendation. At issue before you then will be whether or not you feel that there is a need to spend additional dollars, amounting to \$18,922, based on the proposals before you. Certain information has been provided to you in the staff report. You'll notice that in the response from the firm making the appeal they did an excellent job of alluding to certain services they provide. It's the consensus of staff that those services, that in effect are very important, are still mentioned and included in the contract document. So your decision today is whether or not to accept the recommendation of the staff, which is based on dollars, or make another choice essentially based on testimony you might receive today.

Chairman Liakakis said, okay. We have —, one of the Commissioners gave me a note here that we have a representative from HRH, who was one of the bidders, Lisa Dyson would like to speak. Would you come forward?

Ms. Lisa Dyson said, Mr. Chairman and Commissioners, thank you. I'm Lisa Dyson, Senior Vice President with HRH, who's been handling the County's insurance programs and broker services for the last six years. I would like to introduce Cliff McCurry, Chairman of HRH, and Paty Daves, President of HRH.

Chairman Liakakis recognized Mr. McCurry.

Mr. Cliff McCurry said, Mr. Chairman, I appreciate the opportunity to speak to you today on our appeal and the reasons for this. First of all, let me say congratulations to the new Commissioners and thank you for your services. I think I know most of you, but just a little bit of background and I —, we attempted to communicate with all of you by e-mail. I'm sorry, Coach Holmes, I didn't have an e-mail address for you to send information to you on this to kind of summarize the points that we feel are not being considered in the staff's recommendation. In fact, we feel there's some flaws in the procedure that has gone on here. Just a little bit of background. We have handled, as a partner with the Risk Management Department for the County, the County's insurance program for the last six years. The County Risk Manager Chuck Voelker approached us six years ago when there was an out-of-town broker in Atlanta who had been handling the County's insurance program and he [inaudible] all the details, but there were some problems and, he felt, and the Commission approved a transfer in the services from this Atlanta firm to our firm, HRH of Savannah. During the last six years that we've served as your insurance broker we've had an excellent relationship with the

County's Risk Management Department, specifically Risk Voelker, who we worked with on a day-in basis and Lisa [Dyson] primarily who handles the County's insurance program. And I wanted to kind of capsulize in some comments here the points that I've tried to make in this summary to you. First of all, we had probably the worst insurance disaster in the history of our country on 9-11. When that occurred obviously the insurance industry was in quite a turmoil. We were very pleased that in spite of the fact that many municipalities were having problems even placing insurance and many of them were looking at premium increases of 50 and 100 percent that we were able to renew the County's insurance program with basically the same terms and conditions as prior to the 9-11 incident, that basically about a 20 percent increase. Over the last two years, we working with Chuck Voelker and the Risk Management Department are proud of the fact that we've been able to reduce the County's insurance cost by over \$150,000 and, in fact, the property insurance rates that are in place today for the County are six percent less than they were prior to 9-11. In the process that's taken place here our main points of contention are that the request for proposal and the individuals that were making judgments on the score card that you just looked at, two of the three are individuals that we don't even work with on a day-in basis. They're —, I'm sure that they're very astute in their financial capacity, but they are not involved in the insurance industry. And, you know, the fact that Chuck Voelker, who is the County's Risk Manager, only had one-third vote in this process to us is a real key decision here or real key factor. He has told us that he's been very pleased with the service delivered by our firm. He has no reason to see that there was a need for a change in broker services, and I guess the point I want to make is that in the score card that the County Manager referred to is incorrect in the projected cost difference that you're looking at. In fact, the proposal from the firm that they are recommending, staff is recommending, is \$40,000 for the first year; our fee is \$36,000. Our fee has been \$35,000 for the last three years and we in our proposal asked for about a two and a half percent increase. They have indicated they would drop back on their fee from \$40,000 to \$35,000 after the first year. Our fee of \$36,000 would be consistent with an adjustment on an annual basis of the consumer price index. The consumer price index for the last 10 years has averaged 2.4 percent. If you average that point forward and you look at the difference at the end of five years, if in fact that's what the consumer price index was, our fee would be approximately over a five year period of time \$189,000 and not \$198,000, and their fee would be \$180,000. So if you look at total insurance premium cost that the County is paying now of over \$500,000 or approximately \$500,000, the difference in fee is less than one percent of what our fee would be versus what staff's recommendation of the other broker's fee would be. So our point is, and we've had a great partnership with the County, we feel like we've done a great job in saving the County dollars. I doubt there's many contracts that you can look at in retrospect and say that there's been a reduction in cost of over \$150,000 in the last two years. So our basic appeal is we feel like that the score card that's been presented to you has some flaws, we'll respect the process and at the end of the day I think the question should be asked because it's a professional services contract that we're in, can the staff person who you pay to be your County Risk Manager be asked whether or not he feels a change in broker service is justified. We'll be glad to answer any questions that you have.

Chairman Liakakis asked, do we have any questions for Mr. McCurry? Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thanks, Mr. Chairman. I'd like to ask if staff agrees with bullet point number three and four with the \$10,000 less basically on bullet point number three and \$4,000, I guess, less off of that total that we had. In other words, Russ [Abolt], you said the other firm would have been like \$18,000 cheaper, so this would make it like \$4,000. County Manager Abolt said, the computation we viewed prepared by staff shows a differentiation of \$18,922. Mr. McCurry said, if I could —, I think I could clarify. County Manager Abolt said, wait a minute. Let me answer the question. That's our determination. I'll have Mr. Voelker come forward. Even at Mr. McCurry's figures, there's still a difference in price which, again, it is your call. It is not the issue before you to in effect say you cannot take a service that may cost —, may cost more money. The issue is are you satisfied. Staff certainly does not want to be in the position of making recommendations that, in effect, are contrary to our evaluation but also more costly unless there's some just compelling reason.

Commissioner Kicklighter said, I guess my question to be a little more specific is did the staff have a chance to review both of these bullet points and this part here taking into consideration, and you disagree —, staff disagreed with this? County Manager Abolt said, you'll notice, sir, that we did attach to the staff report a letter to Mr. Kaigler, signed by Ms. Dyson, and I didn't get a chance to correlate. I'm assuming the bullet points in the handout are the same bullet points in the letter of the 16th. Is that correct? Mr. McCurry said, basically yes. Commissioner Kicklighter said, okay. County Manager Abolt said, then we —, wait a minute. We have Mr. Voelker respond because if that is the case then our compilation of savings was based on what we understood, which I have to assume also included our understanding of the letter of the 16th. Mr. Voelker, please.

Mr. Chuck Voelker said, good morning. Mr. Kicklighter, would you please repeat that question for me to make sure I understand —. Chairman Liakakis said, excuse me. Identify yourself please. Mr. Voelker said, I'm sorry. My name's Chuck Voelker. I'm the County's Risk Manager. Commissioner Kicklighter said, yes sir. Bullet points number three and four. They're showing some discrepancies with their numbers versus the County's calculations. After looking at their numbers, do you agree with their numbers, checking them against your own numbers, or —? Mr. Voelker said, yes, I do agree with their numbers because they are basing number three was on the CPI. I do not disagree with the CPI calculations and they're also taking the time value of one, which we did not consider when we did our evaluation. Commissioner Kicklighter said, okay. Mr. Voelker said, so I do not disagree with these. Commissioner Kicklighter asked, so would this put the difference in the bullets at \$4,000 for them beings this adds up to a total of \$14,000, or did the other firm —. Mr. Voelker said, originally it was \$18,000. Commissioner Kicklighter said, — right. So this is a total, both these bullet points, of \$14,000. Mr. Voelker said, that's correct. Commissioner Kicklighter said, okay. So did the other firm take into consideration bullet point number four, the time value of money? Was that calculated in or would you have to do the same thing on their's also? Mr. Voelker said, I really —, I couldn't

answer for them. They do have a representative that you could address that question to —. Commissioner Kicklighter said, okay. Mr. Voelker said, — to Mr. Butler. I really don't have the answer to that.

Commissioner Kicklighter said, if you could answer that for us. Mr. Michael Butler said, sure. Commissioner Kicklighter said, identify your self also. Mr. Butler said, I will. Mr. Chairman and Commissioners, my name is Michael Butler. I'm with the successful bidder, Palmer & Cay. We followed the standard procedures, the time-honored procedures of this bidding process that's taken place for over 10 years just to my own personal knowledge. It's a standardized procedure, standardized processes that have taken place during this time frame. And, yes, I can understand how disappointed the other firm may be given the prestige of the County's business. We, in determining our fees, which was just a small part of the overall process, we looked at the standpoint that we were bringing in additional resources from around the country —, we are the second largest privately held broker in the United States —, that it was going to cost us a little more in the front end to do the proper due diligence to perform on a proper basis to bring these resources from Detroit for your aviation exposure, to do the resources and get the resources for just that one particular exposure. So we put more emphasis up front without playing games. All right? A little extra on the front end and then recognizing once we have done that, then we have a maintenance process, we have done a lot of the work, and so we decided that, hey, we'll fix this fee going forward for the remainder of the term because we felt that was only fair. But we are a very large company. We have the resources, we have the energy, we have the passion. We're in your backyard. We were founded here to do the job, and what you have here is two good firms, two equally good firms. I think the Board followed through with the process that has been used time and time and again, and we're looking forward to earning that business and showing the County just what a fresh set of eyes can do. Now if I may just say one other thing concerning the saving of the money regarding this. In our business everything is a snapshot in time dealing with the markets that are there. Over six years ago you worked with a broker out of Atlanta and we looked at the process early and showed at the same of this —, same time period how we could take the same carrier and save the County over \$100,000. We approached the whole process, this same very process at the appropriate time, but because we did not —, there was a short difference there between what our score was versus HRH, it was very close at that particular point, and we didn't get it. We would have performed as well in that particular case. We literally have hundreds of municipal businesses around the country. Two years ago the [inaudible] markets dropped. Things changed after the initial shock of 9-11 and we responded to it. So a six percent decrease in property right is, quite frankly, average for what this snapshot in time is. So I would just say that again this is just standard. This is standard the way a good firm should have things done.

Commissioner Kicklighter said, thank you, sir. My only concern was because the recommendation was based on the money, I wanted to make sure the figure was correct when we voted, and now we can all say that your firm was \$4,000 —, it will save the County \$4,000. So that's —. Mr. Butler said, at a minimum. Commissioner Kicklighter said, yeah. So that's all I wanted to correct the figures if that's the case.

Commissioner Thomas asked, may I Mr. Butler a question. Mr. Butler said, yes ma'am. Commissioner Thomas asked, bullet number six here, will you have to start from scratch or are you already totally familiar with the process and are you totally familiar with the expectations —? Mr. Butler said, absolutely. Commissioner Thomas asked, — of the County? Mr. Butler said, we have been dying to represent this County for the longest time frame. We have the expertise in municipal business. I personally work with the City of Savannah. We have the markets available, we have tremendous relationships with the existing markets that you have, so there is not going to be a skip at all. What we're going to do is we're going to take what we already do extraordinarily well. In fact, we have a municipal practice that is dedicated just for some counties and city businesses. We're going to take that, we're going to see where we can improve upon it, and we're going to see where we can take that six percent reduction and bring it forward to an even greater savings. And it's not that there's anything wrong with either company here, but from time to time —, they've had a nice run at this —, from time to time get a fresh set of eyes and Palmer & Cay, Savannah born, Savannah home grown, based here, we have the resources, we have the people. We're excited and to answer your question, we will not miss a beat and your staff in the Risk Management Department knows that as well.

Chairman Liakakis recognized Commissioner Odell. Commissioner Odell said, I'll pass. Chairman Liakakis said, okay. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, when us freshman Commissioners went up to the ACCG and they gave us a briefing on, essentially given to all us young guys on this side of the stage, the advisers are on that side, we went to —, young sounds good, doesn't it —, we went up to get some training, they told us that the immunity that the counties and municipalities in the State of Georgia had been —, had in their favor in the past, that there was —, I don't know what it was, whether it was legislative or a court ruling or something that has placed this now where we don't have as much immunity. All I know is it's been way back from you couldn't see the king at one time. Was that factored in —, does that play into this scenario or is that in regard to some other risk analysis? County Attorney Hart said, not presently it doesn't. Mr. Butler said, [inaudible] a selection process. Commissioner Shay said, I'd like to hear from the attorney. County Attorney Hart said, not directly at this point. This contract would not subject you to liability one way or the other because this is a RFP. The immunity waiver dealt with vehicles and you've got 1,600 vehicles going around the County and —. Commissioner Shay asked, but is that what we're insuring here? County Attorney Hart said, no. We're self-insured this year on the vehicle liability and it does not play into this. Commissioner Shay said, okay. County Attorney Hart said, the previous Commission, after much discussion and soul searching, decided that since the quotes, that there has not been an insurance industry developed to quote this new liability, and the limits of liability were lower and will gradually go up over a period of years, that it may be a good year for the County to go self-insured on those claims to see how we did, have a track record and then bring it back to see whether, "Do we need to purchase insurance or are we better off going out under the self-insurance or insurance?" And ACCG was trying to develop a program that they felt maybe in a year or so they would have in place to and, you know, you could measure

insurance against that. So this year we're self-insured and it would not be in this agreement. Long-winded answer, but that's —. Commissioner Shay said, it's a good one though, it's good.

Chairman Liakakis said, this is an RFP for everybody on the Commission to understand. I think everybody understands that, and this is not a bid. This is an RFP that was determined by a formula to make this determination. Mr. McCurry, did you want to say something?

Mr. McCurry said, yes, please. I certainly concur that Palmer & Cay is a fine firm, but as far as an advertisement goes, I'd like to say that our firm was founded in Savannah in 1885. We're the seventh largest firm in the United States and eighth largest in the world. So it's not like you're dealing with a firm that doesn't have the same type of resources and capacity that Palmer & Cay does. We have a lot of respect for them. I think the main point we're trying to make is that the difference in money that the staff had projected is not \$18,000. It's something —, they used a five percent consumer price index adjustment, which is what we said the maximum would be. The average has been two percent for the last 10 years. If that's the case and that's what it was, and we asked for that adjustment on an annual basis, you'd be looking at somewhere around \$8,000 difference over a five year period of time, less than \$2,000 a year. And I guess the final point that we would want to make is that we feel we've done a great job for the County. We're proud of what we've done, and I think the —, I'll let our President say something in just a minute, but I think that at the end of discussion the question should be asked of your staff person, the County Risk Manager, as to whether or not he feels satisfied with the services that we provided or he feels that a change is warranted. Paty [Daves], did you want to say something?

Mr. Paty Daves said, just one thing. I'm Paty Daves, President of the office here, and in any organization you have to have procedures and processes to follow. Sometimes those procedures may be out of line with the organization's best interest, and Cliff [McCurry] has made a couple of points that the process itself, as I see it —, granted, I may be biased —, but the process itself puts the incumbent and the good work of the incumbent at a disadvantage. There's absolutely no value placed on that incumbent's work. In the private sector typically if the incumbent is doing an exemplary job, and in a conversation yesterday with Chuck Voelker he described Lisa Dyson's team's work over the last six years as "fantastic." In the private sector typically there has to be a compelling reason to make a change if the work indeed had been that good, and I think the question needs to be asked, and y'all have to make this determination, but is the process in the best —, is the way the process worked, is it coming out, is the end result coming out in the best interest of the County? Is it coming out in the best interest of the County?

Commissioner Odell said, Mr. Chairman, I'm going to make a motion that we table this for two weeks for a couple of reasons. One is I think both sides raised interesting questions. Unfortunately, I didn't have enough time to review this item, but I'd like to be fair to both, the people who have it and those who have won the bid, and I'd also like the opportunity to look at the process. I'd like to make a motion to table the two —, I'm sorry, Russ [Abolt]. County Manager Abolt said, before the motion is made, please understand you have a situation involving the traditional two weeks is not traditional. So you have an issue —, you're not going to meet until the first Friday in February, and also if this motion were to be considered by you, I would ask that in effect you —, we would ask the current provider to continue the service I assume for another 30 days. Commissioner Odell said, that works for me.

Chairman Liakakis asked, do we have a second? Commissioner Kicklighter said, second. Chairman Liakakis said, we have a second, Commissioner Kicklighter. All in favor, go on the board. The motion carried unanimously.

Commissioner Kicklighter asked, Mr. Chairman, can I add to that? I agree with Commissioner Odell. Just simply when the staff brings it's recommendation back, I just want it based on the accurate numbers and I'm sure both firms are wonderful, I have no problem with either one, but fair's fair, so when the recommendation comes back it should be on accurate numbers, and that's all I'm asking.

Chairman Liakakis said, okay. Thank you very much for —. Ms. Dyson said, thank you. Chairman Liakakis said, — both companies giving us this. Chairman Liakakis recognized Mr. John Saxon Pierce.

Mr. John Saxon "Piccolo" Pierce said, I want to say thanks to the Chairman. I know him a long time. Raise up the tax five percent. Billy Hair said five percent, increase it five percent. It ain't your fault, it's the tax's fault. It ain't the County's fault. It's —, the County does the best they could. We take their money and put it in the Courthouse and everything else. The people hungry and can't get a decent job. I mean, they can't get a decent job. I say Pete [Liakakis] will help you and I depend on Pete [Liakakis]. That's why I elected you. May God bless you.

Chairman Liakakis said, thank you, Mr. Pierce.

ACTION OF THE BOARD:

Commissioner Odell moved to table until the next meeting, February 4, 2005, the Board's consideration regarding appeal and award of contract for insurance agent/broker services with the current provider continuing service for another 30 days. Commissioner Kicklighter seconded the motion and it carried unanimously.

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2. SIX-MONTH REVIEW OF LAND USE HISTORY IN ACCORDANCE WITH SECTION 11-3 OF THE COUNTY ZONING ORDINANCE. (INFORMATION REPORT.)

Chairman Liakakis said, this is an information item. Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman and ladies and gentlemen, this is information. It's a procedure that the previous Board wished that we, in effect, initiate. It did go to the Planning Commission. In spite of the recommendation of the Planning Commission, it continues. But at issue here is every six months we do bookkeeping and we say, okay, of any parcel that might have been zoned a certain way two years ago has there been any activity, and then we just present that to you on your agenda. Page two has the one parcel that's in Commissioner Farrell's district. It is certainly your choice. Though it's never been done, I assume that the intent of the previous Board would be if there's something inconsistent with current events which the Board would like to initiate a zone change or whatever that you would take advantage of that. To date no such action has ever been taken in this procedure.

Chairman Liakakis asked, does everybody on the Board understand? Okay. Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I have no idea what this is all about. Is this all about the Wal-Mart deal? County Attorney Hart said, there was a old provision that was put into the zoning code and it was per some incident that predated me —, borrow pits, okay —, and basically it says that every two years we'll go back and look at something we've zoned and then the Commission, if it chooses, would have the right on its own application to then go in and try to rezone that owner's property to something else. Okay? It's been on the books. It's never been exercised. At the last Commission it was decided that they would like to have this report done on all the actions of the MPC that come up during that period of time. We have made this report on a regular basis. Most —, I don't recall anybody doing anything other than reviewing it. Certainly you have the legal right to attempt to rezone the property. Certainly you would want to have the property owner that has the zoning on it perhaps to be involved in that decision. So, you know, it was asked for, it's here, and it's information and you can choose to do nothing with it or you can choose to act on it. Commissioner Shay asked, we could ask you to rezone this property on our own initiative even though —? County Attorney Hart said, yes. Commissioner Shay said, that's weird.

Commissioner Odell said, it is garbage. This is the biggest piece of garbage legislation that we've ever done. Is there any way that we can stop this?

County Manager Abolt said, I'll defer with the permission of the Chairman to Mrs. Stone, who was President of the Planning Commission, at the time this was discussed.

Commissioner Stone said, I would just like to add that we're in the process —, I guess I shouldn't use we any more —, the MPC is in the process of updating the zoning ordinances and reviewing the zoning ordinances, and that would be the appropriate time to look at a section like this and see if it is, in effect, an effective tool or if it is something that is not being used and not being understood, and I would defer that to —. The process with the MPC is about two —, the Land Use Plans, they're about two-thirds of the way finished and the zoning will accompany it, and this is the time, and I'm sure there are other parts of the zoning ordinance that we should be briefed of all the changes and see if they would be up to date and up to what this Commission would expect.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Commissioner Stone, as of now we're collecting data. Is that true, Jonathan [Hart]? County Attorney Hart said, yes sir. Commissioner Odell said, to me that is a back pocket on a very large pig. We do not need that. It is a waste of time. It was instituted because both people who attacked Wal-Mart, who are out there shopping at it now, saw this and that's why they proceeded on it. I know that MPC is on their land plan. That's good. I just don't want us to tie up time with staff. We won't increase staff, but we've got you doing something that is not going to be used by this Commission. Commissioner Stone said, I think it was a safety measure at the time, and I think that that's why from time to time it's a very good thing —. Commissioner Odell said, we could always go to MPC. Commissioner Stone said, to review and update —. Commissioner Odell said, we can always get the information from the MPC rather than [inaudible] our own data. I'm sorry.

County Attorney Hart said, unfortunately right now it's written in an ordinance which says the Zoning Administrator will do this and report to you. So until you change the ordinance you're going to continue to receive these as information just because that's your ordinance. Now if you choose to change your ordinance, that's another matter. Again, you can accept this and do absolutely nothing with it, but at least we'll be in compliance with our current ordinance.

Commissioner Stone said, and that's why I think possibly to wait for a recommendation —. County Attorney Hart said, okay.

Commissioner Odell said, I move to accept this.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I believe that this ordinance —, did you say it was on the book for years? County Attorney Hart said, yes sir. Commissioner Kicklighter said, but never —, okay. The reason why I believe this was put in place, other than the obvious stated possibly about the Wal-Mart or something like that, but the reason it's good to have this on the books, but not necessarily have staff review it every month or whatever, is —, well, throughout the nation, I would guess —, people will go and actually get the property rezoned to put a hospital on it, and for whatever reason the hospital backs out and within a couple of months you may have someone come in and, if it's the right type zoning, put a dump in that spot. So this is in place to actually protect the property owners, but if you had a bad

group of people, you can end up and abuse the property owner. So, you know —. Commissioner Odell said, you know, you put one little dump where you told them you'd put a hospital out there and Kicklighter just can't forget it. Commissioner Kicklighter said, that's basically why that's on the books. Commissioner Shay said, I'm sorry I asked.

Chairman Liakakis said, okay, we have the information and if any of the Commissioners, you know, if you want to make remarks, we'll get with the County Manager and then we can bring up specifics on it.

ACTION OF THE BOARD:

Received as information.

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X. ACTION CALENDAR

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Liakakis said, we are now on the Action Calendar and the Board can make a motion for Items 1 through 9 if they want to consider that for the Action Calendar now concerning different items.

Commissioner Shay said, Mr. Chairman, I make a motion that we adopt Items 1 through 9, recognizing that we've already adopted Number 3, I believe. Commissioner Odell said, move for approval —, second. Commissioner Thomas said, I second.

Chairman Liakakis said, we've been second. All in favor signify by putting it on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved that the Action Calendar be approved in its entirety with the exception of Item 3. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

[NOTE: ACTION OF THE BOARD IS SHOWN ON EACH ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.]

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1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF DECEMBER 17, 2005, AS MAILED.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the minutes for the pre-meeting and regular meeting of December 17, 2005, as mailed. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD DECEMBER 8 THROUGH JANUARY 5, 2005.

ACTION OF THE BOARD:

Commissioner Shay moved that the Finance Director is authorized to pay claims for the period December 8, 2005, through January 5, 2005, in the amount of \$7,662,314. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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3. REQUEST BOARD APPROVE REQUEST FROM THE TAX COMMISSIONER'S OFFICE TO RETROACTIVELY ADJUST THE OVERSTATED FAIR MARKET VALUE OF THE 1997, 1998, 1999, 2000, 2001 AND 2002 REAL PROPERTY ASSESSMENT OF LANDHOLDERS, LTD., PIN #50020-01005.

[NOTE: This item was taken out of order and was heard immediately following Item VI-4.]

Commissioner Odell said, I'll the motion to request the board approve request from the Tax Commissioner's office to retroactively adjust the overstated fair market value of the 1997, 1998, 1999, 2000, 2001 and 2002 real property assessments of Landholders, Ltd., PIN #50020-01005. Move for approval. Commissioner Kicklighter said, second. Commissioner Thomas said, second.

Chairman Liakakis asked, any discussion? All in favor signal by putting on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

County Attorney Hart said, just for the record, that again was an action y'all would be taking under Code § 48-5-154.

Chairman Liakakis said, all right. Thank you, Mr. Commissioner, we appreciate that. Tax Commissioner Powers said, okay, thank you for your time.

ACTION OF THE BOARD:

Commissioner Odell moved to approve a request from the Tax Commissioner's office to retroactively adjust the overstated fair market value of the 1997, 1998, 1999, 2000, 2001 and 2002 real property assessments of Landholders, Ltd., PIN #50020-01005. Commissioners Kicklighter and Thomas seconded the motion and it carried unanimously.

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4. REQUEST FROM SHERIFF FOR BOARD TO ACCEPT A NATIONAL CRIMINAL HISTORY IMPROVEMENT PLAN GRANT.

ACTION OF THE BOARD:

Commissioner Shay moved to approve the request from the Sheriff to accept a National Criminal History Improvement Plan Grant and approve the purchase of equipment under this grant to allow the County to bring its fingerprinting equipment in compliance with the new federal guidelines. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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5. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2005. PETITIONER: HEIDI ZHANG, D/B/A SAKURA PLACE, LOCATED AT 1190 KING GEORGE BOULEVARD, UNIT A-4. [DISTRICT 6.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Heidi Zhang, d/b/a Sakura Place, located at 1190 King George Boulevard, Unit A-4, for renewal of Sunday sales of beer and wine pouring license for 2005. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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6. REQUEST FOR NEW BEER AND WINE RETAIL PACKAGE LICENSE FOR 2005. PETITIONER: RAMESHCHANDRAR. PATEL, D/B/A ISLAND FOOD MART, LOCATED AT 200 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Rameshchandra R. Patel, d/b/a Island Food Mart, located at 200 Johnny Mercer Boulevard, for a new beer and wine retail package license for 2005. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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7. REQUEST FOR NEW BEER AND WINE RETAIL PACKAGE LICENSE FOR 2005. PETITIONER: VAISHALI M. PATEL, D/B/A AMBEMA ENTERPRISES, INC., LOCATED AT 5920 OGEECHEE ROAD. [DISTRICT 6.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Vaishali M. Patel, d/b/a Ambema Enterprises, Inc., located at 5920 Ogeechee Road, for a new beer and wine retail package license for 2005. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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8. REQUEST FOR RENEWAL OF BEER AND WINE RETAIL PACKAGE LICENSE FOR 2005. PETITIONER: MARCUS HOOKS, D/B/A PUBLIX SUPER MARKETS, #521, LOCATED AT 4717 HIGHWAY 80 EAST, UNIT B. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Shay moved to approve the petition of Marcus Hooks, d/b/a Publix Super Markets, #521, located at 4717 Highway 80 East, Unit B, for renewal of a beer and wine retail package license for 2005. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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9. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Deductive Change Order No. 2 to the contract for the construction of Phase II - Trailhead buildings at Tom Triplett Park to complete the close out of this project	SPLOST	Alpha Construction Company	(\$10,160.15)	SPLOST (2003-2008) - Tom Triplett Park
B. Change Order No. 6 to the contract for the Savannah-Ogeechee Canal Corridor Master Plan for the added design and construction supervision of the Trailhead Buildings at Tom Triplett Park	SPLOST	Hinesley-Hickson Association	\$5,885	SPLOST (1998-2003) - Tom Triplett Park
C. Two (2) "Kardex" card filing system	Voter Registration	Modern Business Systems, Inc. (sole source)	\$19,956	General Fund/M&O - Voter Registration
D. Confirmation of emergency purchase and installation of various office furniture	Public Defender	Office Services, Inc.	\$31,651.07 (state contract)	General Fund/M&O - Public Defender
E. Construction contract for the Charlie Brooks Park methane collection system	Solid Waste	Shaw Environmental, Inc.	\$148,625	Solid Waste
F. Deductive Change Order No. 5 to the contract to provide monthly pest control services to various County facilities to discontinue monthly service at the "old" Public Works administrative building	Public Works and Park Services	Ideal Pest Control, Inc. of Savannah	(\$35 per month)	SSD - Public Works and Park Services
G. Change Order No. 1 to the contract to provide various paper and chemical products to the various County departments to recognize manufacturer imposed price increases on various items	Various	Doyle Chemical and Supply Company of Savannah (WBE)	Varies by item	•General Fund/M&O - Various •SSD - Various
H. Tape drive backup system	ICS	Spectra-Logic (sole source)	\$22,806.88	CIP - NetPlan Equipment
I. Change Order No. 2 to the contract for the Pipemakers Canal widening project for additional work	SPLOST	Phoenix Construction Services, Inc.	\$231,083	SPLOST (1998-2003) - Pipemakers Canal
J. Engineering services contract for the Hardin Canal bridge project	SPLOST	Thomas & Hutton Engineering	\$299,092	SPLOST (1998-2003) - Hardin Canal

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
K. Six-month agreement with an automatic six-month renewal option for Indigent Defense Services	Public Defender	Georgia Public Defender Standards Council	Administrative fee 7% 1 st year and 5% subsequent years, not to exceed \$350,000	General Fund/M&O - Public Defender

ACTION OF THE BOARD:

Commissioner Shay moved to approve Items 9-A through 9-K. Commissioners Odell and Thomas seconded the motion and it carried unanimously.

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

- 1. ADOPT THE COMBINED CITY OF SAVANNAH/CHATHAM COUNTY SPEED ZONE ORDINANCE. [ALL DISTRICTS.]**

ACTION OF THE BOARD:

Chairman Liakakis read this item into the record as the first reading.

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- 2. AMENDMENT TO ENSURE THAT THE ALCOHOLIC BEVERAGES ORDINANCE AND ITS PROVISIONS WOULD BE APPLICABLE TO WATER CRAFT EXCURSION BOATS.**

ACTION OF THE BOARD:

Chairman Liakakis read this item into the record as the first reading.

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

ALCOHOLIC BEVERAGES

An amendment to the "Alcoholic Beverages Ordinance" of Chatham County.

BE IT ORDAINED by the Chatham County Board of Commissioners as follows:

Chapter 17 entitled "Alcoholic Beverages Code" is hereby amended by creating Section 17-122 to read as follows:

Section 17-122 - The provisions of this ordinance shall apply to all site seeing water craft excursion boats which shall be defined as: "A water craft which transports members of the general public within the water ways of Chatham County for compensation" and, in addition to having a business license, such water craft shall, upon serving alcoholic beverages by the drink during an excursion, comply with all provisions of Section 17-111 "Rules and Regulations" in the eating establishment required under Section 17-113.

Adopted and Approved this _____ day of _____, 2005.

CHATHAM COUNTY, GEORGIA

BY: _____

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil Tillman, Clerk
Chatham County Commission
[SEAL]

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3. ADOPT AN ORDINANCE FOR THE ENACTMENT OF “RED LIGHT CAMERA ENFORCEMENT ORDINANCE” AS REQUIRED BY STATE LAW.

ACTION OF THE BOARD:

Chairman Liakakis read this item into the record as the first reading.

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

RED LIGHT CAMERA ENFORCEMENT ORDINANCE OF CHATHAM COUNTY
AN AMENDMENT TO CHAPTER 12 OF THE CODE OF CHATHAM COUNTY

WHEREAS, the frequency of red light running within the unincorporated area of Chatham County continues to increase as the number of vehicles on our roads increases; and

WHEREAS, the Board of Commissioners of Chatham County is committed to taking positive steps to making the streets and intersections of the unincorporated area of Chatham County safer for pedestrian and vehicular traffic; and

WHEREAS, the Insurance Institute for Highway Safety claims that each year, more than 800 people die and an estimated 200,000 people are injured in crashes that involve red light running, and

WHEREAS, an automated red light camera system will assist the Savannah-Chatham Metropolitan Police Department ("MPD") by alleviating the necessity for conducting extensive and often dangerous conventional traffic enforcement at heavily traveled high risk intersections; and

WHEREAS, the adoption of an automated red light enforcement system will result in a significant reduction in the number of red light violations and/or accidents within the unincorporated area of Chatham County;

NOW THEREFORE, BE IT ORDAINED by the Chatham County Board of Commissioners that Chapter 12 of the Code of Chatham County be amended to enact Article XIII, "Red Light Camera Enforcement Ordinance," to repeal all ordinances in conflict therewith and for other purposes:

§ 12-1301. Title. This ordinance shall be entitled "The Red Light Camera Enforcement Ordinance."

§ 12-1302. Purpose. The purpose of this ordinance is to enhance public safety through the use of technologies which reduce the violation of red traffic signals.

§ 12-1303. Definitions. As used in this ordinance, the following definitions shall apply:

1. Owner shall mean the registered owner of a motor vehicle, except that such term shall not include a motor vehicle company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company.
2. Operator shall mean any individual driving and/or possession of a vehicle.
3. Traffic-control signal monitoring device shall mean a device with one or more motor vehicle sensors working in conjunction with a traffic-control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a circular red or red arrow signal.

4. In operation shall mean operating in good working condition.
5. System location shall mean the approach to an intersection toward which a photographic, video digital or electronic camera is directed and is in operation.
6. Recorded images shall mean images recorded by a traffic-control signal monitoring device:
 - a. With:
 - i. Not less than two photographs;
 - ii. Not less than two microphotographs;
 - iii. Not less than two electronic images; or
 - iv. Videotape; and
 - b. Showing a traffic-control signal displaying a circular red or red arrow signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly depicting the number or other identifying designation of the license plate displayed on the motor vehicle; or
 - c. A picture of the operator shall be taken, and may be introduced as evidence of the identity of the operator of the vehicle.
7. Signature shall mean any manual or facsimile of a person's signature.

§ 12-1304. Violation: Monetary penalty.

1. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk on the nearside of the intersection or, if there is no crosswalk, before entering the intersection, and shall remain standing until an indication is to proceed is shown by a steady circular green signal.
2. Vehicular traffic facing a steady red arrow signal indication shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk of the nearside of the intersection, or if there is no crosswalk, before entering the intersection, and shall remain standing until an indication to proceed is shown by a steady green arrow signal indication.
3. The driver of a motor vehicle shall be liable for a civil monetary penalty imposed pursuant to this ordinance if such motor vehicle is found, as evidenced by information obtained from a traffic-control signal monitoring device, to have failed to comply with a traffic light signal as designated in subsections 1 and 2 of this section within the unincorporated area of Chatham County.

§ 12-1305. Proof: certificate.

1. Proof that a particular vehicle entered an intersection in violation of section 12-1304 (1) or (2) of this ordinance, as detected by a traffic-control signal monitoring device, together with proof that the particular vehicle is registered with the Georgia Department of Public Safety (or any other state or local vehicle registration office) in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of that section that the charged person was the person driving the vehicle depicted in the recorded image.
2. A certificate, sworn to or affirmed by a trained law enforcement officer or a technician employed by the MPD, or a copy thereof, based on inspection of recorded images produced by a traffic-control signal monitoring device shall be considered prima facie evidence of the facts contained therein.
3. Recorded images made for the purpose of this subsection shall not be a public record.
4. The provisions of this article shall not limit law enforcement agencies to the use of traffic-control signal monitoring devices in enforcing O.C.G.A. § 40-6-20 (a); and, when there is evidence obtained from other source or sources which constitutes a prima facie case or a violation of O.C.G.A. § 40-6-20 (a), such violation may be prosecuted as otherwise provided by law in lieu of, but not in addition to, enforcement under this article.
5. Such presumption may be rebutted if the owner or lessee of the vehicle files a sworn notarized statement with the MPD or other agency or employee of Chatham County designated by the County Manager prior to the return date established on the

citation identifying the name and address of the operator of the vehicle at the time of the alleged violation. Upon review of the notarized statement by the MPD or appropriate Chatham County employee, a hearing may be set for prosecution of the alleged violation.

6. Such presumption may be rebutted if the charged person can prove that he or she was not the operator of the vehicle through photographic evidence produced and maintained by the MPD when the vehicle owned by the charged person was in violation of section 12-1304 (1) or (2) of this ordinance.

7. Such presumption may be rebutted if the owner or lessee of the vehicle testifies under oath in open court or other appropriate administrative hearing that he or she was not the operator of the vehicle at the time of alleged violation and provides evidence acceptable to the court that he or she was not the operator of the vehicle at the time of the alleged violation.

8. Such presumption may be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation, is present, prior to the return date established on the citation issued pursuant to this section, to the court adjudicating the alleged violation. Upon review of said report the notarized statement by the MPD or appropriate Chatham County employee, a hearing may be set for prosecution of the alleged violation.

9. Such presumption may be rebutted if the recorded image depicts that the vehicle passed through the intersection in violation of section 12-1304 (1) or (2) of this ordinance as part of a funeral procession.

10. Such presumption may be rebutted if the recorded image depicts that the vehicle passed through the intersection in violation of section 12-1304 (1) or (2) of this ordinance in order to avoid impeding the efforts of an emergency vehicle to pass through the intersection.

11. Notwithstanding anything to the contrary contained here, the prosecution and conviction for a violation of this ordinance shall not require a picture of the driver described in section 12-1303 (6)(c) above.

§ 12-1306. Penalty; effect of a conviction.

1. Imposition of a penalty pursuant to this section shall not be deemed a criminal conviction and shall not be made a part of the operating record of the person upon whom such penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The civil monetary penalty imposed by this section for each violation shall be no greater than \$70.00.

2. Upon a failure to respond to any notice of violation by the prescribed date, the notice shall be considered a judgment and shall carry interest at the legal rate.

§ 12-1307. Summons.

1. A summons for a violation of this section may be executed by sending by first class mail, a copy thereof to the address of the owner or lessee of the vehicle shown, in the case of vehicle owners, in the records of the Georgia Department of Public Safety (or any other state vehicle registration office) or, in the case of vehicle lessees or renters, in the records of the lessor. Said summons shall be postmarked not later than ten days after the date of the alleged violation.

2. No proceedings for contempt or arrest shall be instituted for failure to appear on the return date of the summons.

§ 12-1308. Private entities.

1. A private entity may enter into an agreement with the County to be compensated for providing the traffic light signal violation monitoring system or equipment and all related support services, to include consulting, operations and administration. However, only a trained law enforcement officer or a technician employed by the MPD may swear to or affirm the certificate required by section 12-1305 (2) of this ordinance.

2. No portion of any fine collected through the use of a traffic-control signal monitoring devices may be paid to the manufacturer or vendor. Compensation to the manufacturer or vendor shall be based on the value of such equipment and shall not be based on the number of traffic citations issued or the revenue generated by traffic-control signal monitoring devices.

§ 12-1309. Signage.

1. Chatham County shall erect signs on every highway, which comprises a part of the state highway system at that point on the highway which intersects the jurisdictional limits to the County. A sign shall be erected also by the County on each public road on the approach to the next traffic-control signal-monitoring device which is monitoring such next signal for such road.

2. Such signs shall be at least 30 inches by 30 inches in measurements and shall warn motorists that traffic-control monitoring devices are being employed.

§ 12-1310. Warning period.

Only warning notices and not citations shall be sent during the 30-day period commencing with each installation of a traffic-control monitoring device.

§ 12-1311. Severability.

Should any section, provision, or clause of any part of this ordinance be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the County that this ordinance would have been adopted had any such invalid portion not been included herein.

§ 12-1312. Effective Date.

This ordinance will become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED AND APPROVED, this ____ day of _____, 2005.

CHATHAM COUNTY, GEORGIA

BY: _____
Pete Liakakis, Chairman
Chatham County Commission

ATTEST: _____
Sybil Tillman, Clerk
Chatham County Commission

[SEAL]

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4. AMENDMENT TO SECTION 9-105 (18.), MANUFACTURED MOBILE HOME PARKS AND UNITS ORDINANCE TO AMEND SECTION 9-312 BY ADDING PARAGRAPH (D) TO THE FACTORY BUILT HOUSING ORDINANCE PERTAINING TO CURRENT TAX YEAR DECAL OR MOBILE HOME LOCATION PERMITS.

Chairman Liakakis said, that's one that the Tax Commissioner wanted to be able to collect the taxes on those mobile homes. So we'll have the second reading at the next meeting, Mr. Attorney.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, the Chairman's done an excellent job. Just so you all know, the freshman class, this would give you an opportunity going forward if there are ordinances proposed as drafted, ordinance bills I should say, in which you would like to see some clarification, modification, this is your time to do it. In the interest of time, and you can tell staff, well, we want you to modify this. This is not a time to take public testimony, but it would save time, in effect, if you had questions now, but held them to your next meeting, you in effect would be losing those days in between.

ACTION OF THE BOARD:

Chairman Liakakis read this item into the record as the first reading.

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

MANUFACTURED MOBILE HOME PARKS AND UNITS ORDINANCE

An amendment to the "Manufactured Mobile Home Parks and Units Ordinance" of Chatham County.

BE IT ORDAINED by the Chatham County Board of Commissioners as follows:

Section 9-105 (18.) is hereby amended so as to create Section 9-105 (18.)(e) which shall read as follows:

(e) The administrator of inspections or the administrators authorized representative shall issue no construction permit for any factory built housing until owner can demonstrate to the satisfaction of the administrator that the factory built housing has the current tax year decal or mobile home location permit.

Adopted and Approved this _____ day of _____, 2005.

CHATHAM COUNTY, GEORGIA

BY: _____
Pete Liakakis, Chairman
Chatham County Commission

ATTEST: _____
Sybil Tillman, Clerk
Chatham County Commission

[SEAL]

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

FACTORY BUILT HOUSING ORDINANCE

An amendment to the "Factory Built Housing Ordinance" of Chatham County.

BE IT ORDAINED by the Chatham County Board of Commissioners as follows:

Section 9-312 is hereby amended so as to create Section 9-312(d) which shall read as follows:

(d) The administrator of inspections and his or her representative shall issue no construction permit for any factory built housing until owner can demonstrate to the satisfaction of the administrator that the factory built housing has the current year decal or mobile home location permit.

Adopted and Approved this _____ day of _____, 2005.

CHATHAM COUNTY, GEORGIA

BY: _____
Pete Liakakis, Chairman
Chatham County Commission

ATTEST: _____
Sybil Tillman, Clerk
Chatham County Commission

[SEAL]

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XII. SECOND READINGS

None.

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XIII. INFORMATION CALENDAR

- 1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

ACTION OF THE BOARD:

A written report was received as information.

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- 2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

ACTION OF THE BOARD:

A written report was received as information.

AGENDA ITEM: XIII-2
DATE: January 14, 2005

List of Purchasing Items between \$2,500 and \$9,999
 That Do Not Require Board Approval

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Replace conveyor belt on "Beast" grinder	Public Works and Park Services	Samson Industrial, Inc.	\$3,109.96	General Fund/M&O - Fleet Operations
Rebuild and install Allison transmission on a trash compactor	Solid Waste	W. W. Williams	\$5,984.08	General Fund/M&O - Fleet Operations
Two (2) Xerox laser printers to include three year on-site warranty	Finance	Xerox Corporation	\$7,335	•General Fund/M&O - Finance •CIP - Finance
Annual maintenance agreement on server	ICS	True North Solutions, Inc. (sole source)	\$9,175	General Fund/M&O - ICS
Annual System Z support software maintenance agreement	ICS	Papcon (sole source)	\$3,000	General Fund/M&O - ICS
Network infrastructure for network hub connections	ICS	Cisco Systems, Inc. (sole source)	\$2,796.50	CIP - NetPlan 2000
Remove old carpet and install new carpet and install 4" cove base	Public Defender	Floor Finish Design Center, Inc.	\$5,321.76	General Fund/M&O - Public Defender
Miscellaneous office furniture	Public Works and Park Services	VIP Printing and Office Supply (WBE)	\$3,876.85	SSD - Public Works and Park Services

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Annual maintenance agreement on microfilm equipment	Superior Court Clerk	Palmetto Microfilm Systems, Inc. (sole source)	\$6,360	General Fund/M&O - Superior Court Clerk
Parts to repair the Salcedo lift station	Water and Sewer	Water/Wastewater Contractors	\$3,760.94	Water and Sewer
Miscellaneous water and sewer meter boxes and supplies for stock inventory	Water and Sewer	National Water Works, Inc.	\$3,156.90	Water and Sewer
AutoCAD 5 user pack software	SPLOST	DTL Solutions, Inc.	\$4,012.25	SPLOST (1985-1993) - Administrative Costs
Asbestos abatement on County owned property located at 1301 Grace Drive	SPLOST	Southern Tri (MBE)	\$8,300	SPLOST (1993-1998) - Whitfield Avenue Widening project
Demolition of County owned property located at 1301 Grace Drive	SPLOST	American Landscape and Debris Removal (MBE)	\$3,475	SPLOST (1993-1998) - Whitfield Avenue Widening project
Asbestos testing on County owned properties located at 1921 & 1931 Blue Jay Avenue	SPLOST	Southern Tri (MBE)	\$2,500	SPLOST (1998-2003) - Westlake Drainage project
Demolition of County owned property located at 1921 & 1931 Blue Jay Avenue	SPLOST	D & S, Inc. (MBE)	\$6,784	SPLOST (1998-2003) - Westlake Drainage project
Demolition of County owned properties located at 1923, 1935 & 1915 Blue Jay Avenue	SPLOST	American Landscape and Debris Removal (MBE)	\$9,925	SPLOST (1998-2003) - Westlake Drainage project
Surveying and preliminary design - soil erosion repair	SPLOST	Thomas & Hutton Engineering	\$7,755	SPLOST (1998-2003) - Wilmington Park Drainage project
Complete environmental permitting for the Quacco Canal drainage improvement project	SPLOST	Sligh Environmental Consultants, Inc.	\$7,500	SPLOST (1998-2003) - Quacco Canal Drainage project

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EXECUTIVE SESSION

Upon motion being made by Commissioner Odell, seconded by Commissioner Gellatly and unanimously approved, the Board recessed at 12:33 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:15 p.m.

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ITEMS FROM EXECUTIVE SESSION

Chairman Liakakis said, I'd like a motion to reconvene. Commissioner Shay said, so moved. Chairman Liakakis asked, second? Commissioner Thomas said, second. Chairman Liakakis said, all in favor signify by going on the board. The motion carried unanimously.

County Attorney Hart said, Mr. Chairman, we'd also like to make the announcement that no action was taken in Executive Session. Chairman Liakakis said, okay.

Chairman Liakakis said, okay. The first item that we did was the election —, not the election, but the discussion of Vice Chairman of County Commission and the Chairman Pro Tem's position for the County.

[NOTE: See Item VII-2 for appointment of Commission Vice Chairman and Chairman Pro Tem.]

Chairman Liakakis said, okay, now we have some legal matters that we have to vote on.

1. REQUEST BOARD APPROVE SETTLEMENT OF ERNEST EDWARD STOVER AND MYRON LEE STOVER V. CHATHAM COUNTY, GEORGIA, ET AL, CIVIL ACTION NO. 104-0664-F (JONATHAN HART).

Chairman Liakakis said, Attorney Hart, would you give us the information on that, Ernest Edward Stover and Myron Lee Stover v. Chatham County, the civil action.

County Attorney Hart said, yes sir. We would like to have the Board consider the settlement of a case in the amount of \$80,000, and we would ask for your approval to settle the Stover case.

Chairman Liakakis said, as you remember, we had discussion on that legal matter and that was a good resolution for that. I'd like to have a motion.

Commissioner Kicklighter said, move for approval. Commissioner Thomas said, second, Mr. Chairman. Commissioner Gellatly said, second. Chairman Liakakis said, we've got a second. All in favor signify by saying yes. Chairman Liakakis said, the motion carries. The Clerk said, Mr. Chairman, you need to hit your button again. Chairman Liakakis said, I did push it and then I hit it back. The Clerk said, thank you. Chairman Liakakis said, it was up there and then I reset. Commissioner Kicklighter said, she'll reset. Commissioner Gellatly said, don't reset it. She resets it. Chairman Liakakis said, oh, you reset it. Oh, I see, so that you can take the minutes there. The motion carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve settlement of Ernest Edward Stover and Myron Lee Stover v. Chatham County, Georgia, et al, Civil Action No. 104-0664-F, in the amount of \$80,000. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

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2. REQUEST BOARD APPROVE SETTLEMENT OF CHATHAM COUNTY, GA V. 0.109 ACRES OF LAND; DOROTHY COLE, JOE E. WILLIAMS AND SAVANNAH ELECTRIC AND POWER COMPANY, Civil Action No. CV00-0731-BA, TRUMAN PARKWAY, PHASE III, PROJECT NO. NH-171-1(4), PARCEL NO. 9 (JONATHAN HART).

Chairman Liakakis said, Mr. County Attorney, would you discuss that. County Attorney Hart said, this we're asking —, the County Attorney's office is asking for \$15,900 to settle a condemnation. It was necessary moving a Varnedoe Drive so that it would coincide with the Truman Parkway. This is a settlement that's been worked out with the property owner and we would ask approval.

Commissioner Kicklighter said, motion to approve. Chairman Liakakis said, motion for approval. Second? Commissioner Gellatly said, second. Chairman Liakakis said, we have a second. All in favor signify by saying yes. The motion carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve settlement of Chatham County, Ga v. 0.109 Acres of Land; Dorothy Cole, Joe E. Williams and Savannah Electric and Power Company, Civil Action No. CV00-0731-BA, in the amount of \$15,900. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

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3. REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AFFIDAVIT THAT THE EXECUTIVE SESSION WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.

Chairman Liakakis said, we need a motion on the floor for the affidavit for the Executive Session. Commissioner Holmes said, so move. Commissioner Farrell said, second. Chairman Liakakis said, all in favor signify by going on the board. The motion carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.] Chairman Liakakis said, okay, the motion passes.

ACTION OF THE BOARD:

Commissioner Holmes moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present when this vote was taken.]

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ADJOURNMENT

Chairman Liakakis said, of course, that's all the business for today. I'd like to thank everybody who participated, especially the County Commissioners. This was our first meeting for the new Commission, January 14, 2005. We got a lot done today and I think the citizens see that we were all in unison. In fact, all the items, so that the citizens know, we had discussed it, looked at all the issues, put a lot of thought into it and everybody felt that the issues that we talked about, it was all in unison. All nine members voted for that. I'd like to thank each and every one of you. It had nothing to do with any kind of affiliation. We worked together and that's what we all want to do and the Commission is committed to do everything that we can to bring the County up to a higher level and to do things for our citizens that are necessary. Thank you very much. Meeting adjourned. Commissioner Thomas said, thank you, Mr. Chairman.

Chairman Liakakis declared the meeting adjourned at 1:20 p.m.

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APPROVED: THIS _____ DAY OF _____, 2005

PETE LIAKAKIS, CHAIRMAN, BOARD OF
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

SYBIL E. TILLMAN, COUNTY CLERK