

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, SEPTEMBER 8, 2006, 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 1:30 P.m., Friday, September 8, 2006.

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II. INVOCATION

Commissioner Helen Stone 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
- Dr. Priscilla D. Thomas, Vice Chairman, District Eight
- B. Dean Kicklighter, Chairman Pro Tem, District Seven
- Helen L. Stone, District One
- James J. Holmes, District Two
- Patrick K. Farrell, District Four
- Harris Odell, Jr., District Five
- David M. Gellatly, District Six
- Absent: Patrick Shay, District Three
- Also present: Russell Abolt, County Manager
- Jonathan Hart, County Attorney
- Sybil E. Tillman, County Clerk

Commissioner Farrell made a motion to excuse the absence of Commissioner Shay due to surgery. Commissioners Stone and Thomas seconded the motion and it carried unanimously.

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YOUTH COMMISSIONERS

Chairman Liakakis welcomed the following Youth Commissioners who were in attendance: Katherine Blackburn, Chairperson of the Youth Commission for 2006-2007, a Senior at Savannah Country Day School; Danielle Cummings, Vice Chairman, a Senior at Jenkins High School; and Helen Farmakis, Secretary, a Junior at Calvary Day School.

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AMENDMENT TO AGENDA

Chairman Liakakis said, I'd like to ask for a motion to amend the agenda today for Commissioner Dean Kicklighter's item. Do you want to —?

Commissioner Kicklighter said, Mr. Chairman, I make a motion to amend the agenda to add the Pooler Crossroads Visitors Center's request to use the Tom Triplett Park for the dates of October 6th, 7th and 8th, as well as to reserve the County's bandshell that day. Commissioner Thomas said, second, Mr. Chairman.

Chairman Liakakis said, okay, we have a motion on the floor to add that to the agenda. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion carries.

ACTION OF THE BOARD:

Commissioner Kicklighter made a motion to amend the agenda to add the Pooler Crossroads Visitors Center's request to use the Tom Triplett Park for the dates of October 6, 7, and 8, 2006, and to reserve the County's bandshell for those dates. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. STEP-UP GRADUATION.

Chairman Liakakis said, we have a special graduation today and this is the Step-Up Graduation and, you know, this is a great day for those graduates that the County Commission has participated in. This Step-Up Graduation has a number of participants in our community who took advantage of what we set up to take people in the community and put them through training, and what the housing group, the Savannah Homebuilders, hire them at high paying jobs when they graduate from there. So this is a great day. This is a group that has graduated and what I'd like to do is call on Daniel Dodd, who heads up this Step Program to give us the information.

Mr. Daniel Dodd said, good afternoon, Chairman and County Commission. My name is Daniel Dodd. I'm the Project Director with Step-Up, Savannah's poverty reduction initiative, and I am very, very pleased to be here today, very honored to be here and present you with the first class that has graduated through the Construction Apprenticeship Program. You all will recall this was the program which was put together as a perfect example of public and private partnership. We have the Homebuilders Association, Savannah Tech, Port Step-Up, and the Chatham County and the Homebuilders Association are participating on this, and I'd like to just say a few words before we have some of the participants come up and — about the program. This is the first class. We have another three to four classes scheduled for this year. We have learned a lot with this first class and we have been very flexible. We continue to look at being — remaining flexible on looking at how to address the needs of not only participants, but also the employers or the Homebuilders. We've learned that people work hard. These programs start slow. As success happens, word of mouth spreads and this programs, the results will increase. We've also learned that we can shorten the program and we brought it down to four months from the original six months that we had anticipated. Therefore, we are anticipating at least three classes instead of the two classes that we originally anticipated. We're hoping to get another fourth class in as well. Therefore, we feel very positive about the measured outcomes which you've set forward for us for this first year of training 75 individuals. This is the first class and I'm very proud. I would like them to stand up and actually turn this over to Carol Fireall for a moment and then she will turn it over to the Homebuilders Association and maybe a couple of graduates would like to say something. Thank you. And maybe we can get the participants to come up and stand up behind us here — the participants, the Homebuilders especially, and the employees. I think we've got a couple there in the back as well, if they'll come forward.

Ms. Carol Fireall said, good afternoon. My name is Carol Fireall. I am the Executive Director of Project Save and also the Program Administrator for the Construction Apprenticeship Program. It has been my esteemed pleasure to work with the many collaborators for this program, those being Chatham County, the Savannah Homebuilders Association, Step-Up Savannah's Poverty Reduction Initiative, Savannah Technical College, and of course the many business owners that we hope to hear from shortly as representatives from the Homebuilders Association. I just want to give you a very brief program update. Our program goal, our promise to you as the Chatham County Commission, was to give a total of 75 interested adults classroom training and construction skills and to give them on-the-job training through their apprenticeship and then also

to assist them in obtaining full-time positions in the construction industry. Of course, this training is paid for by the HOPE Grant and, of course, the students are enrolled at Savannah Technical College. We assist them all of the paperwork. We also assist them with transportation if that is needed through Chatham Area Transit, and we also purchase tools for them upon the beginning of their apprenticeship. The current status of the program, today we want to present you with eight graduates, some of whom are here. Others are working, as your agenda says. So we are very pleased with those who could come out and take a lunch break and be with us today. We currently have a class that we began a couple of weeks ago. We have 18 persons in that class and in order to fulfill our agreement with you to train 75 persons, we will continue to have classes throughout the course of the next 12 months until we reach that 75-person goal. So with that said, I will turn this part of the program over to Mr. Mike Vacquer, who is a representative of the Homebuilders Association.

Mr. Mike Vacquer said, thank you, Carol [Fireall], and thank you, Commissioners, for participating in this program and giving us, the Homebuilders Association of Greater Savannah, the opportunity to do this as well. This was a vision. It was a program that was a challenge to put together. We have go through a very steep learning curve and have learned how to focus on the individuals who are training for the jobs that are there, as opposed to the program itself. This first program required a significant amount of dedication and effort on behalf of our builders and our subcontractors and the students as well. It think we can be very proud of what has been accomplished with this. Our hats at Homebuilders goes off to former City Alderman Walter Corish, who really was one of the quarterbacks on behalf of the Homebuilders in putting this together, rolling up his sleeves and getting down into the myriad details that came up as we went through this program. The builders who contributed time and money to this program are Beacon Builders, there's Corde Wilson, Ernest Holmes, Beth Williams, and Burkett Electric and Charlie Burkett, and I think Charlie is here today; Hallmark Custom Homes of Savannah, Mr. Steve Hall, who actually sponsored two of the students; Konter Quality Homes, Jerry Konter; Mansail Construction Company, Ricky Barrow, Jr.; Regal Builders of the Coastal Empire, Matthew Young; Tidal Construction, Tony Register and John Meeks; Odom Electric was very involved in this, and Joe Young is with us today, I believe; and then Jerry Wardlaw Construction Development Company, Jerry Wardlaw and Jenkins Plumbing was the subcontractor, and they actually supported two as well. I think what we have here is a fine example of how government and the public side can link hands and do good things for the community, create jobs, and what we have done is we have taken opportunity and linked it with desire to create what we hope is well for these individuals in the future. And we thank you for the opportunity to work on this program.

Chairman Liakakis said, Mike [Vacquer], we'd like for you to express our thanks to the Homebuilders of Savannah for participating in this because, you know, we've got a great group of Commissioners here that saw the need in our community and to be able to do this, and for Homebuilders to come on board to provide high paying jobs for these graduates and the graduates in the future, we really do appreciate that. Mr. Vacquer said, thank you very much. I will convey that.

Ms. Fireall said, before we go on to present certificates of completion to each of the graduates, I like to ask if any of the graduates or any of the contractors or any of the Homebuilders might want to say a word — just a personal recount of their experience with the program.

Chairman Liakakis said, identify yourself for the Clerk. Come up and do it at the microphone.

Mr. Yathette Cauley said, I'm from the Old Savannah City Mission is where I first started. [Inaudible] were lowered, first started this vision for me to come here. I'm just very nervous right now. But it's been a journey as a sacrifice and to want to change and show others that you can change no matter what your past has been. Also, I would like to thank Ms. Carol [Fireall], all my brothers who has graduated with me. I'd also like to thank Ms. Joy Odom, my boss here, for giving me a chance — another chance in life because I was not supposed to be here. So I'd just like to give thanks and thank the Lord for everything He has done, and I thank God for using me for being able to have another one of my brothers who could have probably still been on the streets but now they are into the program as I have graduated from the program. So I would like to say thank the Lord for it.

Chairman Liakakis said, thank you. Anybody else? Okay.

Ms. Fireall said, if there are no other comments, I'd like to add that Yathette [Cauley] was — even before he finished his apprenticeship, he had a job offer on the table. That is again his testimony to how well this collaboration has worked and the potential that it's had for the future. The certificates read:

Chatham County in conjunction with the Homebuilders Association of Greater Savannah and Step-Up proudly present this Certificate of Accomplishment to Yathette Cauley on the 8th day of September, 2006, for completion of the first Construction Apprentice Training Program.

It is signed by Russ Abolt, as County Manger, Pete Liakakis, Chairman, Chatham County Commission, and Carol Fireall, Construction Apprentice Program Administrator for Step-Up

Ms. Fireall said, the next graduate is Hazzelle Ellison. He is not with us, he's on the job today. Mr. Thomas M. Fulcher. Congratulations to you. Silas L. Griffin, III, cannot be with us today. Mr. Duston C. Johnson. Congratulations. Delmar B. Manaiza. Delmar's is on the job today and could not be with us. Mr. Robert L. Northcutt, who took a lunch break along with Mr. Burkett to be here today. And last, but not least, Mr. Samuel Perry. Congratulations. Thanks you again for this opportunity and we promise to come before you periodically with updates and reports.

Commissioner Odell said, Carol [Fireall], I really appreciate this program. We will never in the history of this earth build enough jails to solve those kinds of problems. Programs like these are putting people back in the community as productive citizens and I drive through the community and I see so many churches and I'm often reminded that we are in fact our brother's keeper and that not only is this the Christian thing to do, it's the right thing to do, and I think these employers

are to be commended because you have taken the opportunity to make changes in others' lives, and I just hope that you are blessed and I, as a Commissioner, appreciate it.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I, too, want to echo those sentiments. I am just thrilled to death really with mixed emotions, almost with tears in my eyes, because this is what it's going to take in order to give people a second chance, and when they have a second chance and seize the moment and come before like you are this morning, showing us that you appreciate the fact that you were given a second chance and now you're going to be moving forward. So all I'm saying to you today is you've gotten to this point, now the next step is up to you to make the best of the opportunity that you have been given and, hopefully, that this will encourage others to do likewise. God bless you.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I just sit here and proudly look out at the great accomplishments that have taken place over the past year from the time that we sat in City Hall and conceived this concept of linking opportunities in our community in the working world with folks that may be missing out on the opportunities for one reason or another and how we pulled all our resources together and produced this first graduating class — the first of many dozens and hundred hopefully — where we take right here in our community and we link up folks that are looking for work and looking for skills and want to better themselves with the jobs that are out there and we're not outsourcing this jobs, we are plugging in needs in the community with folks that have the ability and the desire to do that, and I am just so proud of everyone involved that pulled together, from the Homebuilders and the City and Daniel Dodd and Ms. Fireall, the staff here at Chatham County and the different things that they have to do. I just really am very proud and hope to see many more successes, and I see this as a seed and many good things to come in the future.

Mr. Dodd said, I did want to take a moment and really commend County staff because they, with Russ [Abolt], did not stop at looking for solutions for problems and finding ways to — particularly looking at risk management, we were looking at some tough issues that came up, and they looked at the ways to address those issues and make sure that they were moving forward. So I'm really very appreciative and this could not have happened without the vision of the County Commission. Thank you very much.

Commissioner Farrell said, everyone in this room did not, when they ran into an obstacle, did not say we can't do this, we quit. Everybody pulled together to figure out how to make it happen — the students, the staff, the teachers — everybody and it's just a really good sign for Chatham County. Mr. Dodd said, we will continue to do so.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I just want to tell the gentleman that spoke that graduated, man, I thought you did a great job speaking. I think you're obviously well on your way

to achieving everything you want to and deserve in life, but I want you to think about something possibly even bigger. I think you have the ability to help a lot of other kids. You're a big muscular guy, you look kind of tough, and it sounds like you've had some kind of past there that's if you possibly got together with this Youth Commission and ever elaborated on some of your past and brought it to present and had this group not only name this program here, but come up with all the programs out there to help young people that may necessarily not be the best student in school, you know, that we have things out there because not everybody's going to go to — go off to college and get a degree, but a good trade like y'all now have, man, that means a lot more than a lot of the college degrees. And I think that y'all can have a really have a big impact. You can show some of the younger guys that, you know, it's all right if you strayed a little bit, but it's pretty cool to go get a job and quit whatever what you're doing there, and I really think you can do that. And I would just talk with them and possibly see if y'all can coordinate something to possibly going to some of these schools and to let kids know theirs is help out there. And I thank all of you for the great job.

Chairman Liakakis said, we thank each and every one of you. We want the entire community to know that this is a Commission not just looking at a budget, but are doing things in many areas of our community, and this is just one example that we have a caring Commission that want to do things to change this community for the better. So thanks again and if we can help you, just give us a call. And, Daniel [Dodd], especially to you, who head up this program, and, Michael [Vacquer], you can give our thanks also. Thank you.

Commissioner Thomas said, thank you.

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2. SWEARING-IN CEREMONY FOR THE 2006-2007 CHATHAM COUNTY YOUTH COMMISSION.

Chairman Liakakis said, another good day for Chatham County. On Item 2 under Special Presentations, we'll have the Swearing-In Ceremony for the 2006-2007 Chatham County Youth Commission, and this is another proud day. I see we have some of their relatives out here today in addition to swearing-in those officers for the Youth Commission, and, of course, we have the Director for the Youth Commission, who's done an outstanding job working with Priscilla Thomas to do many things for our Youth Commission. Chairman Liakakis recognized Mr. Van Johnson.

Mr. Van Johnson said, thank you very much. Mr. Chairman, Dr. Thomas, Ladies and Gentlemen, this is always very special time of the year in Chatham County. As you know, the weather cools, people return back to school, our community sees new residents by way of the many college students that arrive here, the baseball season winds down, the football season winds up and, of course, we present the newest edition of the Chatham County Youth Commission.

This edition, our fifteenth, is the direct result of the vision of Dr. Priscilla Thomas who dared this community to become youth friendly. This edition is the direct result of your intentional and

continuing commitment to sponsor a Youth Commission and not just another commission on youth. This edition is the direct result of teachers and parents affirming what we already know — that this program works. This edition is a direct result of what the County Commissions, your colleagues in Fulton County, Georgia, Alachua County, Florida, and most recently Prince George's County, Maryland, have found out — that Chatham County, Georgia, is the epicenter of youth development and empowerment — in other words, the young people say you have it going on and it is because of you.

Mr. Abolt was quite eloquent in speaking to our young people on Wednesday and he made an analogy that resonated with these young people. He spoke about his learning recently what AP courses meant. Of course, we all know that AP means "Advanced Placement," and he concluded that the Chatham County Youth Commission was, in reality, AP citizenship. Who am I to argue with my County Manager? This is the ultimate reality show, it is AP citizenship, and the fun is just beginning. Consider the following:

As you remember in June of this year, you declared 17 Youth Commissioners as graduates and sent them out into the great wide world to make a positive difference. Soon afterwards, we sent out the call for candidates to 14 public and private high schools. We received well over 50 applications from these schools. After interviewing these young people to determine their interest, we placed them in an intensive, public basic training process which involved them completing assignments, getting out in their community, hosting summer youth events and learning about their County. They all participated in a poverty simulation, as many of you did, they offered advice on youth activities and they recently added some very challenging questions they're presented with the upcoming SPLOST and ESPLOST proposals. This is AP Citizenship because we demand excellence. We demand reason, we demand respect, we demand responsibility. This will not be an easy journey for them over the next nine months. While we don't know from whence they came, we do know that for the next nine months these young people will be expected to be excellent citizens, excellent students, excellent sons and daughters — parents should be saying amen right now — and excellent leaders. For 14 years their predecessors have not disappointed us and this edition will not disappoint you.

We thank you for your continuing support. We thank Dr. Thomas for her love and guidance. We thank Mr. Abolt for his energy — even with his continuing ill-fated attempts to humiliate my beloved New York Knicks. We thank Mr. Kaigler and my dedicated team of colleagues that help make this happen year after year after year: Mrs. Debra Allen, Mrs. Sandra Smalls, Ms. Takiyah Martin, and graduates turned advisors Ms. Taqwaa Saleem, Ms. ZaDonna Slay and Mr. John Hawkins. We particularly thank the parents of these young people, which — as I say often — serve as more than transportation and ATM machines to these young people, but allow their young people to be challenged, to be angered sometimes and extreme time demands being placed upon them for we know that our young people are better because of it. Our candidates realize that although they were to be confirmed by although they work for my colleagues on Monday, the true, true test of appointment comes from you. Candidates, would you please stand. During the retreat they composed a song —. Commissioner Thomas said, they don't want to sing it. Mr. Johnson said, — that they would like to sing to you. This is the first time in sixteen years we've ever had a song.

Oh, I want to be a CCYC member. That is what I'd truly like to be.
For if I was a CCYC member, all the kids would want to be like me.

Mr. Johnson said, give them a round of applause. They wrote that themselves. It is with great pleasure that we present to you the members of the 2006-2007 Chatham County Youth Commission, and certainly we would like our parents to please stand. All the parents and loved ones of these young people, please stand. Mr. Johnson introduced the following officers and members of the 2006-2007 Chatham County Youth Commission:

CHAIR	SCHOOL/ORGANIZATION	CLASS	TERM
Ms. Katherine Blackburn*	Savannah Country Day	SR	3 rd

VICE CHAIR:

Ms. Danielle Cummings*	Jenkins High School	SR	3rd
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SECRETARY:

Ms. Helen Farmakis	Calvary Day School	JR	2nd
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PARLIAMENTARIAN:

Mr. Akhil Anumolu*	Indian Association	SR	3rd
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EXECUTIVE MEMBERS:

Ms. Knicera Boddie*	Beach High School	SR	2nd
Ms. Arnechia Newton*	Jenkins High School	SR	3rd
Ms. Leslie Weaver*	Jenkins High School	SR	3rd

MEMBER	SCHOOL/ORGANIZATION	CLASS	TERM
Ms. Jameya Barnwell	St. Vincent's Academy	JR	1st
Mr. Roderick Bobbitt*	Beach High School	SR	1st
Ms. Kandice Butler*	Johnson High School	SR	3rd
Ms. Brandi Chaney	St. Vincent's Academy	SO	1st
Ms. Stephanie Chu	Savannah Country Day	JR	1st
Mr. Colburn Clark	Benedictine Military Academy	JR	1st
Ms. N'Gia Conyers*	Johnson High School	SR	3rd
Ms. Jamesha English	St. Vincent's Academy	SO	1st
Ms. Sheray Franklin	Savannah Arts Academy	SO	1st
Ms. Breonna Frazier*	St. Paul Academy for Girls	SR	2nd
Ms. Erica Green	Beach High School	SO	1st
Ms. Jasmine Gusby*	Jenkins High School	SR	3rd
Ms. Whitney Hawthorne*	Beach High School	SR	3rd
Mr. Shawn Knight	Jenkins High School	SO	1st
Ms. Jacelle Lewis	Jenkins High School	SO	1st
Mr. Clint Middleton	Jenkins High School	JR	1st
Ms. Tamika Middleton	Windsor Forest High School	SO	1st

Ms. Jennifer Morse	Jenkins High School	JR	2nd
Ms. Monique Pal	Savannah Arts Academy	SO	1st
Ms. Priscilla Peay	Memorial Day School	SO	1st
Ms. Kathryn Pinckney	Riley Learning Center	SO	1st
Ms. Alexis Proctor	St. Vincent’s Academy	JR	1st
Ms. Shaniqua Purvis	Groves High School	SO	1st
Ms. Erica Scott*	Windsor Forest High School	SR	1st
Ms. Kirsten Smith*	Johnson High School	SR	3rd
Mr. Mark Stevenson	Savannah Christian	JR	1st
Mr. Wesley Stone	Benedictine Military	JR	2nd
Ms. Desirae Suggs	Savannah Arts Academy	SO	1st
Ms. Michelle Verweil*	Windsor Forest	SR	2nd
Ms. Aysha Washington	Windsor Forest	JR	1st
Mr. Anthony Williams	Jenkins High School	JR	2nd
* Graduating Seniors			

Chairman Liakakis rendered the following Oath to the Commissioners:

I, _____, a citizen of the State of Georgia, and of the United States, and a member of the Chatham County Youth Commission, do hereby solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Georgia, that I will honestly and faithfully perform the duties assigned to me, and that I will at all times abide by and conform to the laws, ordinances and rules and regulations approved by the Chatham County Commission. So Help Me God.

Commissioner Odell said, Van [Johnson], the Chairman of the Commission — Youth Commission is Ms. Blackburn. Mr. Johnson said, yes. Commissioner Odell asked, is she related to that distinguished —. Mr. Johnson said, yes. Commissioner Odell said, — attorney. If he could stand up for a second. Jay [Blackburn], I’m very proud. We’ve known one another for a long time. I remember when you children were real small and I take a lot of personal pride. When people say y’all people, I tend to think they mean lawyers, and I’m very, very pleased, and I know that you are too. Mr. Blackburn said, I’m very pleased and today’s her 18th birthday. Chairman Liakakis said, congratulations. [Applause.] Mr. Blackburn said, and I’ve very proud of her as is her whole family. Chairman Liakakis said, thank you. Commissioner Odell said, thank you, Jay [Blackburn].

Chairman Liakakis said, okay. You see on this board, Vocalizing Our Views For A Prosperous Future, and many of the graduates of the Chatham County Youth Commission are now having a prosperous future. We can see many successes that they have had and we’re really proud of Commissioner Priscilla Thomas who came up with this idea, who’s worked hard with Van Johnson to help these students to move to a higher plane, and to all of the parents and the relatives of you that are here for the Chatham County Youth, we thank you very much because we know all of you are proud today for this great occasion for them to be here for our Youth Commission. Thank each and every one of you.

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3. PROCLAMATION TO DECLARE THE WEEK OF SEPTEMBER 17 - 23, 2006, AS CONSTITUTION WEEK. VIOLET MOTES AND LINDA WOODWARD-BURKE WILL REPRESENT BONAVENTURE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AND RECEIVE THE PROCLAMATION. THERE SHOULD ALSO BE REPRESENTATION FROM LACHLAN MCINTOSH AND SAVANNAH CHAPTERS.

Chairman Liakakis said, if each one of you will identify yourselves here, and I'm going to ask Commissioner Stone if you will read this proclamation for us for the American Constitution. This is another great day because many people do not know, you know, that one of the bloodiest battles in the American Revolution for this country to gain its freedom from Britain was held here in Savannah, and because of this great battle in Savannah they were able to weaken those other forces that were against us, and now we have — we can thank the American participants and the other participants in this revolution that we now have our freedom. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. Commissioner Stone read the following proclamation into the record:

PROCLAMATION

WHEREAS, on September 17, 1787, the U.S. Constitution was signed by 55 delegates to the Constitutional Convention in Philadelphia's Independence Hall; and

WHEREAS, with the words of the Constitution, written more than 200 years ago, our forefathers laid the foundations for a great Nation, adopting a Constitution that has since proven to be an enduring and true guide for American government; and

WHEREAS, our Constitution is sustained by Americans who daily defend the principles of democracy and freedom.; and

WHEREAS, today, our Nation celebrates not only the longest-lived written Constitution in world history, but also the enduring commitment of our forebears who upheld the Constitution's core principles through the travails of American history.

NOW, THEREFORE, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the week of September 17 - 23, 2006 as:

“CONSTITUTION WEEK”

in Chatham County, and urge all citizens to participate in ceremonies celebrating our Constitution and reaffirm our commitment as citizens of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 8th day of September, 2006.

Pete Liakakis, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Chairman Liakakis said, identify yourself and speak.

Ms. Kathy Miller said, I'm Kathy Miller, Regent of Lacklan McIntosh Chapter, Daughters of the American Revolution, and we are very pleased to accept this proclamation. Thank you.

Ms. Linda Woodward-Burke said, I'm Linda Woodward-Burke, Recording Secretary for the Bonaventure Chapter, DNSDAR, and I appreciate the proclamation and the opportunity to keep going with our patriotism Chatham County-wide and country-wide. Thank you.

Ms. Violet Motes said, Violet Motes with the Bonaventure Chapter also. Thank you.

Ms. Jane Mayo said, I'm Jane Mayo with Lachlan McIntosh Chapter, DAR, and thank you so much for your issuing this proclamation and thank you for your support.

Chairman Liakakis said, thank you very much, and we do appreciate the Daughters of the American Revolution for the different things that you do so that we can continue to remember what occurred, you know, how we gained our freedom and the things that you participate in the community.

Commissioner Thomas said, thank you.

Ms. Mayo asked, Mr. Chairman, could we get a picture with you and the Daughters of the American Revolution so that we can have it for our scrapbook. Chairman Liakakis said, okay. [There was a pause in the meeting while pictures were taken.]

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VI. CHAIRMAN'S ITEMS

1. ADDITIONAL STAFF FOR PUBLIC WORKS AND PARK SERVICES TO DO ROADSIDE MOWING AND DITCH MAINTENANCE.

Chairman Liakakis said, there have been a number of calls that have come to our County Commission members and to our staff people about mowing and ditch maintenance in our community, and looking at that and hearing people having discussions on that we can see around the County. We have Robert Drewry, who is the Director of that particular department. His people do a good job, but unfortunately they do not have enough people in that particular department to be able to get a lot of mowing done in the unincorporated areas of the County, and also the ditch maintenance. So what I am requesting today to the County Commission that we add six people to that particular department so that the mowing and the ditch maintenance, because as each and every one of you know that you've had your constituents talk to you about the ditches in our community and especially we see Letters to the Editor and the Vox Populi where people are talking about how the mowing is not being kept up in our unincorporated area. So I'd like to have a motion —.

Commissioner Kicklighter said, motion to approve. Commissioner Stone said, second.

Chairman Liakakis said, we have a motion on the floor to approve the addition of these employees for that particular department. Do we have any discussion?

Commissioner Odell said, I've just got just a couple of questions. The total cost, Russ [Abolt], is what? County Manager Abolt said, we'll come back to you the next time with an amendment to the budget that will identify full cost and allow the authorization to proceed. Commissioner Odell said, and we will identify where the money will —. County Manager Abolt said, right now it will come out of the Special Services Contingency. Commissioner Odell said, okay. County Manager Abolt said, there will be some equipment needs and we'll take that out of CIP. Commissioner Odell said, okay. But that will be a continuing cost. County Manager Abolt said, unless you tell us differently. Of course, you will review each budget year. Commissioner Odell said, I understand, but in that it's a continuing cost we need to — and I get probably as many complaints, as the Chairman knows, from people who we have not mowed the right-of-way an extended period of time, and it's not because we don't want to. We don't have the staff. We need it, but I want everyone to understand you make this decision to add an additional cost, and adding additional costs, you need to add an addition stream of financing from it. It will not come above, on high, it will come from revenues that we raise and it needs to be a stream of money to finance it. Isn't that true, Mr. Manager? County Manager Abolt said, yes sir. Of course, we take it out of Contingency, the Contingency does re-occur, but you're right, sir.

Chairman Liakakis said, and this will be out of the SSD, the Special Service District — . Commissioner Odell said, right. Chairman Liakakis said, budget. All right, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to add six (6) additional staff for Public Works and Park Services to do roadside mowing and ditch maintenance with funds to be taken from SSD Contingency. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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2. SET MEETING WITH LEGISLATIVE DELEGATION.

Chairman Liakakis said, Lee [Hughes] would you come forth please. Identify yourself and give us the information, and this is the meeting with our legislative delegation that we have every year where we discuss legislative matters that we want the State to hopefully to pass for us. Chairman Liakakis recognized Mr. Hughes.

Mr. Lee Hughes said, yes sir, Mr. Chairman. Thank you for putting this on the agenda. I'm used to saying good morning, Commissioners, but good afternoon this time.

Commissioner Odell said, Lee [Hughes], not to interrupt you, but didn't we get a letter — Mr. Hughes said, we did. Commissioner Odell said, the Delegation Chair, Representative Day. Mr. Hughes said, the Delegation Dean actually is the title. Commissioner Odell said, yes. Mr. Hughes said, that's correct. Commissioner Odell asked, and he set some dates? Mr. Hughes said, he did. He suggested November 17. We looked to an earlier date, but that's the date that seems to work best. In the meantime, we have some work to do to develop the legislative agenda. Of course, the first priority, I suspect, will still be to encourage the State to raise the prisoner reimbursement rate. I hope y'all will get back to me on that if that has changed. I attend the County staff meetings from time to time, including this coming Monday, to get input from the various departments and to ask them to, if they don't have input right now, to develop some ideas. We'll have to look for things that we need funding for if we want to go to the State for that and prepare those materials.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I would just like to add, Mr. Chairman, that yes, Mr. Hughes, that's correct that the Public Safety Committee for ACCG will also make the reimbursement their number one issue as well. So I just wanted to let you know that you might want to get in touch with them, but they — we — Dr. Thomas and I attended a meeting in Fitzgerald, Georgia, a couple of weeks ago, and that was voted to be on top of the list was the reimbursement.

Mr. Hughes said, and I'll continue to work with them on that. It might be of some benefit to the Commission to know that during the discussion about the SPLOST priorities and the discussion about the jail expansion, I know some of you have done this as well, I have taken every opportunity to remind people that we do not get reimbursed at a proper level. We get reimbursed

at less than half of what it costs us to house State prisoners, and encourage that same group that is enthusiastic about passing the SPLOST to be equally enthusiastic about changing the State policy when the time comes. I don't want to say I have a crystal ball, but I do think, and I think Commissioner Stone will agree, that there seems to be the Legislators or Legislature seems to be more receptive to the idea and many of them will acknowledge that this is something that needs to be corrected.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I'll make a motion to host a member with the State Delegation on Friday, November 17th at 9:00 a.m., right here. Commissioner Gellatly said, second. County Manager Abolt said, they requested lunch, so we —. Commissioner Kicklighter said, twelve o'clock on the 17th. County Manager Abolt said, what I would suggest is, Mr. Chairman, this is your regularly scheduled Commission meeting on the 17th, so you would convene and then we would just order additional lunch and we will try to keep you agenda light. When your agenda is done, you can sit down with the Legislators in this room and do your business. Commissioner Kicklighter said, motion is amended for twelve o'clock. Commissioner Gellatly said, second. The motion carried unanimously. [NOTE: Commissioner Shay was not present.]

Commissioner Odell said, Mr. Chair, would we have the opportunity as a group to — before we meet with our legislative delegation, I'd like for us to have a consensus, not only of the Commission, but the constitutional officers that are funded through the Commission and our department heads so that we gain some consensus as to what our priorities are before we sit down and take up our State Legislative Delegation's time, so I guess that it would be a good time, I believe, to look at when we would meet as a group. Russ [Abolt], do you have any recommendations? County Manager Abolt said, yes sir. As before, Lee [Hughes] does a wonderful job of doing this. I would suggest that no later than your Commission meeting on the 3rd of November that you have a proposal in front of you from staff and from yourselves compiled by Lee [Hughes] which would embody your legislative program for '07. That would keep it fresh in your memory. You'd be just two weeks out of your meeting and if any modifications should be made, we can make them and you'll be ready. Commissioner Odell asked, and can we prior to that, Russ [Abolt], have any input through you or through the Chairman as — or through Lee [Hughes] — as to what legislative items — because there might be something in a department that the department head is keenly aware of that we — it might not have surfaced with us as of this time.

Commissioner Farrell asked, are you looking at maybe a retreat? Commissioner Odell said, no, no, just for us to get together briefly, but prior to getting together that we have input from not only other Commissioners — the Commission, but we have input from our department heads and constitutional officers.

County Manager Abolt said, traditionally this is the work of the Legislative Liaison. Lee [Hughes] does it wonderful. As you mentioned, as early as this month, he can even call my department

heads and he then make his outreach to all the remaining departments and constitutional officers so by the 3rd I know that he'll have something together and you'll be satisfied.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, if I may, I think Commissioner Odell would like to have something possibly by our next meeting then because that will be on the 22nd and we can amend the agenda and discuss that at 9:00 a.m., and then have the pre-agenda at 9:15 or 9:30 and then move right on into —. County Manager Abolt said, you're two months yet. Commissioner Odell said, we're two months out yet. Commissioner Kicklighter said, well, you wanted —. County Manager Abolt said, we're two months out. Commissioner Kicklighter said, it would be a good start with discussions he's —.

Chairman Liakakis said, we need to look at this too, Dean [Kicklighter], because we want the input from all the Commissioners and all, we might not have enough time because we want the departments —. Why don't we do this, have like a workshop, a meeting in October, you know, and if we could do it in the Commission —. Commissioner Kicklighter said, just before one of our meeting. Chairman Liakakis said, — before one of the meetings and start the regular meeting maybe an hour later or an hour and a half later to do that because since we're going to discuss the legislation, it might take a little bit of time, more so than, you know, 15 or 20 minutes.

Commissioner Odell said, and as always Lee [Hughes] will give us what he sees on the horizon that might impact us and one of the authorities in which we have some responsibility [inaudible]. That would be helpful to me.

Chairman Liakakis said, all right. Commissioner Kicklighter said, that's great. I would [inaudible] looking through there. Chairman Liakakis said, all right, the first meeting in October, you want to make that for 9:00 a.m. Commissioner Kicklighter said, even the second meeting would probably fine.

County Manager Abolt said, if we could, I would suggest the second only because Lee [Hughes], we all have to work with ACCG so the earlier you do it, the less ready we're going to be. Chairman Liakakis said, okay.

Mr. Hughes said, Mr. Chairman, if I can reassure Commissioner Kicklighter, that process of working with the department heads, County department heads is an ongoing thing and we can develop that and have something ready for you. I agree with the Manager that maybe the middle of October —. Commissioner Kicklighter said, that's what I just suggested, the last meeting in October would be better.

Chairman Liakakis said, okay, we have a motion on the floor to have that pre-meeting for the legislation to come up for this year by Commissioner Kicklighter. Do we have a second? Commissioner Odell said, second. All in favor, go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.]

Chairman Liakakis said, the second meeting in October. Commissioner Kicklighter said, no. Commissioner Thomas asked, is that the 27th? County Manager Abolt said, no, the 20th. Chairman Liakakis said, the 20th of October. Commissioner Thomas said, oh, I was just trying to check because you know we have the Transit Board meeting on the 8th. Chairman Liakakis said, okay. The motion passes.

Chairman Liakakis said, thank you, Lee [Hughes]. We appreciate your good work you do for us in lobbying efforts. Mr. Hughes said, thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to set a meeting with the Legislative Delegation on November 17th at 12:00 Noon in the Commission Chambers. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

Commissioner Kicklighter made a motion to meet with the department heads and constitutional officers on October 20, 2006, at 9:00 a.m., to review the legislative program for 2007. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.]

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VII. COMMISSIONERS' ITEMS

1. ASH TREE TAX REFUND (COMMISSIONER ODELL).

Chairman Liakakis said, this is Commissioner Odell 's item, Ash Tree Tax Refund. Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Ash Tree is a nonprofit organization and, therefore, they are exempt as far as the property taxes which they were required to be deducted. You have a staff report, but just by way of summary what happened was that Ash Tree, a 501(3)(c) organization, in conjunction with the City of Savannah Vocational — Savannah Vocational Technical School, purchased a piece of property and got various participants of their programs, who actually constructed a house. When they sold the house, at the real estate closing they — taxes were deducted, which my contention is that should not have been, and they are in fact entitled to a refund. They're a nonprofit organization, and all of the funding was from the City of Savannah and, in part, through SPLOST, and I would ask the County Attorney — I'm just a blue collar lawyer. You're a smooth big-time lawyer. Is that a close approximation of the law?

County Attorney Hart said, it's pretty close. It's a situation really this is sort of the discretion of the Board. It's a tax-exempt organization. We're really using tax funds to actually do the process. So you're collecting taxes from the taxes is what you've got here. The Board of Assessors takes

the position that you have to apply for an exemption, but under the Code section 48-5-154, this Board if there can actually issue a vacant cancellation of the taxes if they feel like they're erroneously collected. If there was an exemption, it certainly would not overtax it. So that is within your discretion certainly.

Chairman Liakakis said, the amount is \$889.26. Do you make a motion to that?

Commissioner Odell said, I'll make that motion and I'll simply add by way of information, this organization was — I got familiar with it through Eddie DeLoach about ten or so years ago, but it's in Commissioner Stone's district, but I think it's a worthwhile organization.

Chairman Liakakis said, all right. We have a motion on the floor —. Commissioner Thomas said, second. Chairman Liakakis said, — we have a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.] Commissioner Odell said, I'll vote for David [Gellatly] because I know he'd support. Chairman Liakakis said, no, not right now. Thank you.

ACTION OF THE BOARD:

Commissioner Odell moved to refund to Ash Tree, a nonprofit organization, taxes paid for 2005 for 801 Carter Street in the amount of \$889.26. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.]

AGENDA ITEM: VII-1**AGENDA DATE: September 8, 2006**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

ISSUE:

To approve request of Ashtree to refund taxes for 2005 for 801 Carter Street in the amount of \$889.26.

BACKGROUND:

This is a request by Ashtree, a non-profit organization, to refund taxes paid for tax year 2005 in the amount of \$889.26. Ashtree inadvertently failed to apply for tax exemption for the property located at 801 Carter Street.

FACTS & FINDINGS:

1. Ashtree is a non-profit organization.
2. O.C.G.A. 48-5-154 provides the County governing authority shall have jurisdiction and the power to correct all errors in the digest to order abatement or cancellation of taxes erroneously assessed and to make other adjustments in the digest of a similar nature and to reflect the same in the account as stated.

FUNDING:

Delinquent collections of the Tax Commissioner's office.

POLICY ANALYSIS:

Ashtree is exempt from ad valorem property taxes. Any taxes that have been paid should be refunded or in the alternative, an order and abatement of cancellation of taxes erroneously assessed and appropriate adjustment to the digest should be made.

ALTERNATIVES:

1. The Commission should authorize the refund of \$889.26.
2. The Commission should not authorize the refund of \$889.26.

RECOMMENDATION:

Alternative 1.

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**2. CANTERBURY PARK PETITION FOR PUBLIC ACCEPTANCE OF ROADS
(COMMISSIONER KICKLIGHTER).**

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. This is more or less a housekeeping item. We have conceptually approval to accept the roads in Canterbury Park and it's gone through the process and now is in front of us, and so at this time I'll make a motion to approve Canterbury Park's petition for public acceptance of the roads.

Chairman Liakakis said, and we've had information to come to us in our packet. Commissioner Thomas said, second.

County Attorney Hart said, Mr. Chairman, this information has been approved and there's 90% of it's housekeeping, no question about it. I realized as this came under Commissioners' Items that there are two pieces of — two documents I need to review that I didn't know we had not reviewed. If there's changes, it will be minor changes, but I'd like that, if Commissioner Kicklighter would accept it, subject to final approval of the County Attorney. Commissioner Kicklighter said, I'll amend the motion subject to final approval. County Attorney Hart said, we'll get it next week. Commissioner Thomas said, I'll amend the second.

Chairman Liakakis said, okay, and we have a second on that. County Attorney Hart said, thank you. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.] Chairman Liakakis said, the motion passes. Okay, thank you, Tom.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the petition of Canterbury Park for public acceptance of roads, subject to final approval by the County Attorney. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Gellatly were not present when this vote was taken.]

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3. POOLER CROSSROADS VISITORS CENTER (COMMISSIONER KICKLIGHTER).

Chairman Liakakis said, another item that we amended the agenda and added Item 3 for Commissioner Dean Kicklighter. Do you want to go into that, Dean [Kicklighter]?

Commissioner Kicklighter said, yes sir. First, I'd like to ask if the County Attorney will contact the neighborhood association as soon as final approval is made of that to let them know. Russ [Abolt], I'll ask you for —. County Manager Abolt said, I think he's talking to the Attorney right now. Commissioner Kicklighter said, okay. Thank you.

Commissioner Kicklighter said, okay, Item #3. Another basically housekeeping item. The Pooler Crossroads Visitors Center will be hosting their 10th Annual Flying Fig Festival on October 6th, 7th, and 8th at Triplett Park, and I will — they're requesting the use of the park as well as use of the bandshell on those dates. So — and they definitely understand that there's some area — there's an area of construction which they can't locate anything in that particular area. So at this time I'll make a motion to approve the Pooler Crossroad Visitors Center's request to use Triplett Park and the use of the County bandshell on October 6, 7 and 8, 2006.

Chairman Liakakis asked, do we have a second? Commissioner Gellatly said, second. Commissioner Stone said, second.

Chairman Liakakis said, a motion has been made and seconded. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion carries.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request of Pooler Crossroads Visitors Center to use Triplett Park and the County's bandshell to host their 10th Annual Flying Fig Festival on October 6, 7, and 8, 2006. Commissioners Stone and Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.]

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CHATHAM AREA TRANSIT AUTHORITY

Upon motion made by Commissioner Stone, seconded by Commissioner Farrell and unanimously approved, the Board recessed as the County Commission at 2:22 p.m., and convened as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 2:42 p.m., as the County Commission.

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VIII. TABLED/RECONSIDERED 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. REQUEST BOARD APPROVAL OF THE FOLLOWING: (1) FY2007 GENERAL FUND M&O CONTINGENCY TRANSFERS OF A) \$2,692,445 TO THE DETENTION CENTER FOR STAFF AND OPERATING EXPENDITURES, AND B) \$300,000 TO TRANSFER OUT TO THE PENSION FUND FOR A RETIREES' COLA, (2) A \$22,300 TRANSFER FROM THE GENERAL FUND M&O CONTINGENCY IN THE FY2007 CAPITAL IMPROVEMENT PROGRAM (CIP) FUND BUDGET FOR THE AQUATIC CENTER, (3) A \$456,000 TRANSFER FROM THE SSD CONTINGENCY IN THE FY2007 CAPITAL IMPROVEMENT PROGRAM (CIP) FUND BUDGET TO THE SCMPD FLEET REPLACEMENT PROJECT, (4) AN AMENDMENT TO THE FY2006 GENERAL FUND M&O BUDGET TO RECOGNIZE \$711,000 IN ADDITIONAL LOCAL OPTION SALES TAX (LOST) REVENUE AND APPROPRIATE THE FUNDS FOR TRANSFER OUT TO CIP FOR VEHICLE REPLACEMENT, (5) AN AMENDMENT TO THE FY2006 CIP FUND BUDGET TO RECOGNIZE THE TRANSFERS IN FROM THE GENERAL FUND M&O AND APPROPRIATE FUNDS FOR VEHICLE REPLACEMENT, AND (6) APPROVAL OF A STRATEGY TO MAINTAIN BALANCED BUDGETS IN THE GENERAL FUND M&O AND SSD.**

Chairman Liakakis asked, do we have a motion on the floor? Commissioner Gellatly said, motion. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.]

* * *

Chairman Liakakis said, Mr. Manager, when we were talking and the Board approve those things for the vehicle replacement, will you get with the Sheriff then and let him know because he thought there would only be a couple of vehicle and he has some vehicle that are well over 150,000 miles on them, and I know he'll be happy to hear that.

County Manager Abolt said, I'm glad you've given me the opportunity, sir, and I don't want to keep you too long today, this is very good news and this should take care of the Sheriff's needs. We also for the first time since the police merger will now be up to speed and current on our requirements to replace police vehicles. But I will contact the Sheriff. Chairman Liakakis said, thank you.

ACTION OF THE BOARD:

Commissioner Gellatly moved that the Board approve the following: (1) FY2007 General Fund M&O Contingency transfers of (a) \$2,692,445 to the Detention Center for staff and operating expenditures, and (b) \$300,000 to transfer out to the Pension fund for a retirees' COLA, (2) a \$22,300 transfer from the General Fund M&O Contingency in the FY2007 Capital Improvement Program (CIP) Fund budget for the Aquatic Center, (3) a \$456,000 transfer from the SSD Contingency in the FY2007 Capital Improvement Program (CIP) Fund budget to the SCMPD Fleet Replacement Project, (4) an amendment to the FY2006 General Fund M&O budget to recognize \$711,000 in additional Local Option Sales Tax (LOST) revenue and appropriate the funds for transfer out to CIP for vehicle replacement, (5) an amendment to the FY2006 CIP fund budget to recognize the transfers in from the General Fund M&O and appropriate funds for vehicle replacement, and (6) approval of a strategy to maintain balanced budgets in the General Fund M&O and SSD. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: IX-1**AGENDA DATE: September 8, 2006****TO:** Board of Commissioners**THRU:** R.E. Abolt, County Manager**FROM:** Linda B. Cramer, Finance Director

ISSUE: To request approval of the following: (1) FY2007 General Fund M&O Contingency transfers of a) \$2,692,445 to the Detention Center for staff and operating expenditures, and b) \$300,000 to Transfer Out to the Pension Fund for a retirees' COLA, (2) a \$22,300 transfer from the General Fund M&O contingency in the FY2007 Capital Improvement Program (CIP) Fund budget to the Aquatic Center Project, (3) a \$456,000 transfer from the SSD contingency in the FY2007 Capital Improvement Program (CIP) Fund budget to the SCMPD Fleet Replacement Project, (4) an amendment to the FY2006 General Fund M&O budget to recognize \$711,000 in additional Local Option Sales Tax (LOST) revenue and appropriate the funds for transfer out to CIP for vehicle replacement, (5) an amendment to the FY2006 CIP Fund budget to recognize the transfers in from the General Fund M&O and appropriate funds for vehicle replacement, and (6) approval of a strategy to maintain balanced budgets in the General Fund M&O and SSD.

BACKGROUND:

Board approval is required for budget amendments and transfers between organizational units.

FACTS AND FINDINGS:

- 1) At their meeting held on August 25, 2006, the Board of Commissioners approved a \$2,692,445 amendment to the Detention Center budget for staff and operating expenditures related to the temporary housing units. A retiree cost-of-living decision package was also approved. The retirees' COLA will require a \$300,000 transfer out to the Pension Fund. The funding source for both items is General Fund M&O Contingency.
- 2) At the August 25, 2006 meeting, the Board of Commissioners also approved replacement of the lockers at the Aquatic Center at an estimated cost of \$22,300. Funds will come from the M&O Contingency account within the CIP Fund.
- 3) Funding is available in the Capital Improvement Fund - SSD Contingency account to catch-up required vehicle replacements for the SCMPD. Therefore, it is requested that a transfer of \$456,000 be made from the SSD Contingency Account to the SCMPD Fleet Replacement project.
- 4) The Local Option Sales Tax (LOST) revenues for FY2006 in the General Fund M&O have exceeded estimates by \$1,000,000. This is a funding source for \$711,000 in fleet replacement needs as identified in the CIP plan (Police, Sheriff, others). A transfer of funds from M&O to the Capital Improvement Fund is in accordance with board adopted financial policies for fund balance and use of revenues. Resolutions to accomplish this move have been prepared and are attached. In combination with Facts and Findings #3, this will bring vehicle replacement for the SCMPD on schedule in accordance with the intergovernmental agreement.
- 5) Georgia law indicates that local governments should adopt a balanced budget. The County has adopted financial policies that follow State law, address needed fund balance reserve levels, and recognize the need to methodically fund capital improvement needs. To maintain a balanced budget, it is recommended that fund balance policies be amended to allow recognition of General Fund M&O and Special Service District revenues in excess of annual adopted budget estimates with a corresponding appropriation for capital improvements, subject to retention of established fund balance reserves. The attached resolutions recognize this strategy.

FUNDING:

The budget resolutions will set up funding in the General Fund M&O and the Special Service District Fund. Funds are available in the General Fund M&O Contingency and the Capital Improvement Program Fund Contingency for the transfers.

ALTERNATIVES:

- (1) That the Board approve the following:

GENERAL FUND M&O FY2007

- a) a contingency transfer of \$2,692,445 to the Detention Center for staff and operating expenditures.
- b) a contingency transfer of \$300,000 to Transfer Out to the Pension Fund for a retirees' COLA.
- c) approval of a strategy to maintain a balanced budget and incrementally fund capital improvements as funds are identified.

SPECIAL SERVICE DISTRICT FUND FY2007

approval of a strategy to maintain a balanced budget and incrementally fund capital improvements as funds are identified.

CAPITAL IMPROVEMENT PROGRAM FUND FY2007

- a) a CIP - M&O Contingency account transfer of \$22,300 to the Aquatic Center.
- b) an amendment to transfer \$456,000 from the CIP - SSD Contingency account to police vehicle replacement.

GENERAL FUND M&O FY2006

- a) an amendment to recognize \$711,000 additional LOST revenue, and appropriate \$711,000 to Transfer Out to the Capital Improvement Program for vehicle replacement.
- b) approval of a strategy to maintain a balanced budget and incrementally fund capital improvements as funds are identified.

CAPITAL IMPROVEMENT PROGRAM FUND FY2006

an amendment to recognize transfers in of \$711,000 from the General Fund M&O for vehicle replacement.

- 2) Amend or deny the request.

POLICY ANALYSIS:

State law grants the Board authority to amend the budget during the year as it deems necessary. The budget amendments in the General Fund M&O and SSD Fund are consistent with the financial policies adopted by the Board of Commissioners.

RECOMMENDATION:

That the Board approve Alternative 1.

Prepared by: Read DeHaven

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2. REQUEST BOARD APPROVAL OF AN ADJUSTMENT TO A WATER AND SEWER BILL FROM \$811.62 TO \$66.66 RELATING TO THE FEBRUARY 14, 2006, METER READING.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, yes, this is a very unusual and unexplainable situation where the average uses of this account dictates that the amount charged may be out of step. We cannot find a leak, but in this case and out of a sense of fairness and giving the customer the benefit of the doubt, we are asking that you allow staff to write off \$744.96 of a bill that hopefully will not be that large in the future.

Commissioner Gellatly said, motion that we do that. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion on the floor and a second to approve the adjustment to the water bill. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve the request to write-off a portion of a water and sewer bill and to reimburse \$744.96 to Caroline Swan, 232 Longleaf Circle. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay, Odell and Kicklighter were not present when this vote was taken.]

AGENDA ITEM: IX-2

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: To request Board approval of an adjustment to a water & sewer bill from \$811.62 to \$66.66 relating to the February 14, 2006 meter reading.

BACKGROUND:

Only the Board of Commissioners has the authority to write-off all or a portion of a water & sewer customer's balance due.

FACTS AND FINDINGS:

(1) Customer Name and address: Caroline Swan, 232 Longleaf Circle.

- (2) Chatham County Finance Water & Sewer staff noticed this high consumption reading when preparing the billings. That reading indicated water consumption of 394 cubic feet and resulted in a bill of \$811.62. Typical consumption for that customer is 10 to 13 cubic feet, and February readings in all previous years fell in the 10-13 cubic foot range.
- (3) Water & Sewer then prepared a service work order on March 14, 2006 requesting that Public Works to go back to the residence and re-read the meter.
- (4) Chatham County Public Works staff re-read the meter and the reading proved to be accurate.
- (5) Customer called Water & Sewer on August 7, 2006. Customer stated they had a plumber look at the situation, and that the plumber indicated there were no leaks. Customer reiterated that during the December-February period covered by the meter reading, they did not to their knowledge use a large quantity of water for any out of the ordinary purposes. Furthermore, customer indicated they did not own a pool (to fill), wash cars or their house because it is too cold at that time of the year to do those types of activities.
- (6) On August 17, 2006, Finance Water & Sewer staff explained to customer that the only recourse was to petition the Board of County Commissioners to adjust or write-off the amount in question.
- (7) An adjustment to a typical month will reduce the amount due from \$811.62 to \$66.66. This will require a write-off of \$744.96.

FUNDING:

Not applicable.

ALTERNATIVES:

- (1) That the Board of Commissioners approve a write-off of \$744.96. The new amount due for the February 14, 2006 meter reading shall be \$66.66.
- (2) Amend or deny the request.

POLICY ANALYSIS:

Again, only the Board of Commissioners has the authority to write-off all or a portion of a water & sewer customer's balance due.

RECOMMENDATION:

That the Board approve Alternative 1.

Prepared by: Roger Deschenes

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3. REQUEST BOARD APPROVE STAFF ACTION PROVIDE DIRECTION ON PROCEDURES FOR NOTIFICATION TO THE IMPACTED PROPERTY OWNERS FOR CHANGES IN THE FUTURE DEVELOPMENT MAP OF THE COMPREHENSIVE PLAN.

Chairman Liakakis recognized Mr. Tom Thomson. Identify yourself for the Clerk.

Mr. Thomson said, yes. Tom Thomson, Metropolitan Planning Commission, Executive Director. I think most of you remember our visit here a couple of weeks ago and you all asked us to go back and have an opportunity for the public to comment on the Comprehensive Plan and have the MPC act to make a recommendation before we brought it back to you for final action, and in preparation for that this material in front of you is meant to be a briefing and a question really. What we've done is outline how we are noticing various property owners for this effort and basically what we are proposing is to notice — I don't know how much of a briefing you want, Mr. Chairman, but I'll do a short briefing and we're prepared to go into more detail. Chairman Liakakis said, a very brief briefing. Mr. Thomson said, well, basically we're recommending and we already have noticed people under the attachment that we provided to you under Roman Numeral I and Roman Numeral II, basically areas that were changed recently in the Land Use Map or the Future Development Map where we did not notify individual owners. We have done that now. Under Area III, we really were going to ask your advice on this, but in briefing the Chairman I think he was comfortable with the need not to notify the folks in West Savannah that we made a scrivener's error. In other words, we made an error. Our paint brush went a little farther than it should have on the map and covered some lots that we now have backed off into the correct colors and the colors basically didn't change for those owners. They didn't know we did it and now we've moved it back, so we're not sure we really need to notify them because it has no impact on them. And then the last group on Number IV, we believe that all of them were noticed when the zoning done and all we're doing there is reflecting the actual zoning on the development map. And so our recommendation there is not to notify about 500 or 600 properties there that again what we've done is consistent with their zoning and when the zoning was done they were noticed at that time. So our request today is for you to endorse this plan of action and then we have our meeting scheduled for September 19th. It's a part of the regular Metropolitan Planning Commission board agenda and there will be an opportunity for people to hear the changes and make comments on them.

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, most items under Item Four were subject to some type of development plan or master plan that people came and said these are the various uses we want, and the map was detailed enough to reflect those already approved uses. So there's really not anything that hasn't already been approved that's going to be reflected in that area in a mapping situation. So we're basically putting in with people that ask for it there.

Chairman Liakakis said, all right. Will somebody make a motion then to endorse this plan? Commissioner Stone said, so moved, Mr. Chairman. Chairman Liakakis asked, do we have a

second? Commissioner Holmes said, second. Chairman Liakakis said, we have a motion on the floor and a second to endorse the recommendation from the MPC. Go on the board. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Stone moved to endorse the recommendation from the Metropolitan Planning Commission for notification to the impacted property owners for changes in the Future Development Map of the Comprehensive Plan. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: IX-3**AGENDA DATE: September 8, 2006****TO:** Board of Commissioners**DATE:** September 5, 2006**THRU:** R. E. Abolt, County Manager**FROM:** Harmit Bedi, Deputy Executive DirectorIssue:

Inform the Board about the procedures for notification to the impacted property owners for changes in the Future Development Map fo the Comprehensive Plan.

Background:

The Chatham County-Savannah Metropolitan Planning Commission has completed the Community Agenda Report as part of the 30-year Comprehensive Plan update. The County Commission on April 21, 2006 through Resolution approved submittal of the Community Agenda Report of the Comprehensive Plan to the Georgia Department of Community Affairs and the Coastal Georgia Regional Development Cnter for official Review.

Facts and Findings:

The Community Agenda fo the Chatham County-Savannah Comprehensive Plan was approved by the Georgia Department of Community Affairs and the Coastal Regional Development Center on July 11,m 2006. The document was without comment.

Mr. Will Ingram submitted comments to the CGRDC on behalf of Hunter Army Air Field regarding development in the vicinity of the installation. Based on his comments, the text of the Community Agenda was revised as noted on the attached summary. In addition, the MPC staff made several revisions to the document, which are also noted on the summary. The CGRDC has determined that the modifications are minor in nature and do not require additional review by the CGRDC or the DCA.

The Community Agenda Report, with changes, was presented to the Board on August 25, 2006 for adoption. The Board decided to return the Community Agenda Report of the Comprehensive Plan to the MPC for further review and a recommendation. During the discussion the Commission directed the MPC staff to notify the property owners impacted by the changes to the Future Development Map since the adoption of the Report on April 21, 2006 by the Commission.

Funding:

No funding is required

Policy Statement:

Staff seeking consensus and direction on the action.

Alternatives:

- (1) Board approve the staff action and provide direction.
- (2) Board not to approve staff action and provide any direction.

Recommendations:

Board approve Alternative #1.

cc: Thomas L. Thomson, Executive Director
Jonathan Hart, County Attorney
Emily Garrard, Assistant County Attorney

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4. BOARD CONSIDERATION OF THE 2006-2007 INDIGENT DEFENSE SERVICES AGREEMENT AND AUTHORIZE ADDITIONAL FUNDING FOR SIX POSITIONS IN THE PUBLIC DEFENDER'S OFFICE.

Chairman Liakakis recognized Mr. Michael Edwards.

Mr. Edwards said, thank you. Good afternoon, Mr. Chairman and Commissioners. I'm Michael Edwards, Public Defender. We are here today and appreciate the opportunity to come in and speak with you. I'll try to brief this afternoon. We are here today really on two related but somewhat distinctive lists. The first is previously back during the budgeting process that we all went through a month back, the Commission adopted the Public Defender's office base budget, that budget that existed as of that date. That has occurred previous to today. What we did after speaking with the staff about various different changes and adjusting to what to convey to the Indigent Defense Agreement that we originally entered into about eighteen months ago, we determined that in order to get on the County's fiscal year and in order to update the contract in order to capture some of the amendment and addition that we had made over time, that we should redraft – redo a new contract, and we've done that. And we presented that to staff — to the County Attorney — to see the changes that we've made. The first thing that we're here to do today is to ask for the Commission to authorize the execution of that contract so that we can formalize the agreement that we are presently operating under and that the budget reflects.

Mr. Edwards said, the second reason that we are here today is to ask the Commission to consider today moving forward on the three-year phase in the plan that we have been discussing now for some eighteen months plus to remind the Commissioners back last Fall we came to staff with the second phase of our three-year phasing plan. I won't reiterate all of this and I'll be happy to take questions if anybody has any questions about the specifics, but we've developed a three-year phasing plan that the Commission accepted and adopted in principle some time back. We went through the first stage, we came to the theory that started the second phase and we presented our second phase request. What we did in cooperation and in collaboration with staff was to cut that phase two staffing request in half, asking the Commission to authorize us to bring on half of that staff in January and the second half in July. We didn't bring them on in July. We continued to discuss the matter with staff and we appreciate the input that we have gotten from staff about trying to get those — the second half of phase two on board. We have reduced our request by making some adjustments in the nature of staff that we're requesting so that we can get our budget request down even lower than it was before. And I want to talk with you just very, very briefly, and I assure you and promise you it will be brief.

Mr. Edwards said, I'm going to ask if we can just hand out a couple of sheets of paper to everybody. I'm going to put these boards up very briefly. I'm not going to speak about all these things, but I want to try to if I can demonstrate a couple of points I think of note in your consideration of this request. As we were discussing this matter with staff over the last couple of weeks, there was a suggestion that was made that perhaps one of the things we needed to start doing was to be able to identify and outline our goals and accomplishments as we go through the process, which I think is an excellent idea. And so we've tried to do that and we've created this partial accomplishments list, and what this is is a list of accomplishments, a list of goals that we set prior to coming on board on January 1, 2005, and goals that we have developed over the

period of time since we've been in operation in an effort to outline to the extent that we can the extent to which we satisfy to accomplish those goals. There are not in any particular order of authority, but I would be remiss not to point out that we've indicated in the first accomplishment that as we told this Commission when we came here two years ago, it was our goals to be a fiscally responsible department, to not only provide the best possible representation to indigent defense in the State so that we would be in compliance with our constitutional requirements, but to do so in a fiscally responsible manner, and we've worked very, very hard to do that. We have a streamlined operation, we continue to do that, and with the efforts that we have made within our department, we have been able to create a positive County budget adjustment since January 1, 2005, of almost \$900,000, and I've broken down how that is. I just want to speak briefly about that.

About this time last year, we came to the Commission and tendered a refund check from the State of Georgia for about \$150,000 money that the County had funded additional monies that were funded to the Public Defender's office that we did not spend in our first six months of operation. That was an actual dollar refund. Then on June 23rd there was on this Commission's vote a transfer from the Indigent Defense budget, which is sort of the second half of the Public Defender's budget, in a manner, of \$167,000 transfer out of that budget to the Sheriff's department when the Sheriff's department's jail crisis really kind of came to a head and they started very definitely looking for a way to alleviate the pressures of the jail. That \$167,000 was in the Indigent Defense budget because it had not been spent and it was available to transfer to the Sheriff's department, and it was transferred to the Sheriff's department.

As we closed the last fiscal year, on June 30, 2006, the Indigent Defense budget had surplus funds sitting in it of almost \$575,000. Those monies will be spent. They're going to be spent on some nature of Indigent Defense in some point in time, but they haven't yet been spent and they were able to be available to the Commission to be used in the next budget cycle which we are now in. Those are not all dollar to dollar refunds, and I don't want to reflect or represent that they are, but they are all positive budget adjustments. They're dollars that this County is able to spend differently from the way they may have been originally budgeted because they weren't required to be spent in the original way. Well how do we get to that point? To get to that point because you funded — and we think appropriately so and we appreciate it very much — you have funded additional staff to the Public Defender's office, which permits our staff to handle more of the criminal cases that are filed in the County through the cost-containment method of salaries versus vouchers. We have been able to handle over 2,200 new felony cases, hundreds of additional cases. Those are cases where there are fixed costs involved from the County's point of view. There aren't unknown voucher figures coming in because we don't have any idea how much the case is ultimately going to cost at the end of the day. We've opened 2,200 cases. We've handled probably well in excess of about 3,200 in some shape, form or fashion, and this is the result of — and this is very, very significant in our point of view — this is the result of the fact that since January 1st of 2005, when we opened our doors, law enforcement agencies in Chatham County have affected at least 32,000 arrests. That's what the booking figures indicate. Over 32,000 people have been booked into the Chatham County Jail. That's aggressive law enforcement, and I'm certain there's not anybody in our community that falloff and I don't have any anticipation that it's going to fall off. But, of course, if you have 32,000 people going into the jail then you have

32,000 people who somewhere along the line are going to need representation. In our community unfortunately a tremendous percentage of those people qualify as indigent persons under the criteria that we use to determine indigents. We have opened over 16,000 — qualified over 16,000 people from Indigent Defense. A lot of those are misdemeanor cases or felony cases have been split about 50/50 between the panel and the Public Defender's office, so we're trying very, very hard to find ways to streamline the process, to make the process certainly constitutionally acceptable, but at the same time fiscally responsible with doing that. We think that the procedures are beginning to show what at this time two years ago we had every reason to believe the figures were going to show when we started to develop a history. Funding the additional positions for the Public Defender's office now to make those positions available and effective on October the 1st means three significant things. The first thing it needs is there are additional people within the Public Defender's office, which means the Public Defender's office can take additional cases. That's the simple easy part of it. That just follows. If you have enough lawyer and staff member available, that's another group of cases that we are able to take over at a fixed cost, remove those from the unknown cost of the panel system and begin to process the cost of things. That's the first thing that's happened. What that in turn does is it lowers and continues to lower your General Indigent Defense budget where these figures are coming from so that hopefully there are more of those dollars available for other Indigent Defense base needs. I think when they transfer us to the Sheriff's department so that the jail's operating in a manner that keeps everybody there safe, we don't run into legal issues with inmates, we don't run into problems with deputies being in unsafe situations. That is a benefit to the Indigent Defense population. I think that that's an appropriate way that we can restructure the use of those funds. That's the second thing that happens.

Mr. Edwards said, the third thing that happens is for every case that we take in our office, we create one more possibility of a conflict case, a true legal conflict case. And I want to remind the Commission that a legal conflict case is a case that we cannot handle because of some legal purpose, not because we don't have enough people to do it, but for some legal reason. We're representing somebody else or we're involved in some other type of action that prohibits us from handling that case. When I as the Public Defender makes that declaration — it's a legal decision that I have to make —, but when I make that declaration the cost of that conflict case, if it's one, if it's twenty, it's transferred to the State of Georgia and those costs are passed out of the County entirely. So continuing to move forth with the funding and the phasing in of the staff of the Public Defender's office, as we've discussed doing. It seems that we are more rapidly controlling and containing the costs that are going to have to be borne somewhere as a result of the fact that we have a large number of folks that come through the jail that are entitled under the laws to representation. But we have attempted to show you how we're doing, what we're doing and why we believe that it is an appropriate time even now to move forward of bringing that additional staffing on so that we can continue to demonstrate the fiscal responsibility and the cost containment ideas that we believe that the operations will permit us to do.

Mr. Edwards said, that's the information that I have. As I said, we reduced the figure and we worked with staff to prorate it and have the information that staff has produced in front of you, I'm sure, and I'll be happy to take any questions.

Chairman Liakakis asked, Michael [Edwards], how many attorneys do you have working in the office now? Mr. Edwards said, we have 16 now. Chairman Liakakis said, you have 16. Mr. Edwards said, three of those are assigned to juvenile court. We have 13 that are in Superior Court and Recorder's Court. Chairman Liakakis said, but at the end of the three-year period, it was like the recommendation was 30. Is that right? Mr. Edwards said, the recommendation for lawyers after a three-year period was 24 or 26, I believe, Mr. Chairman. I may be wrong about that, but I think that the — Chairman Liakakis said, 24 or 26 at the end of a three-year period. We're in the second year right now, or a year and a half since it began, right? Mr. Edwards said, yes sir, that's right. Chairman Liakakis said, okay. In this now what you're asking us for today is 6 additional, but how about — do you have the figures right now on — Let me ask you this first before I get to the other question. Do you have a cap that, you know, on the amount of cases that the State sets up or anything for the Public Defender's office at this point? Mr. Edwards said, not at this point. There was a caseload study meeting today in Atlanta on that very issue, Mr. Chairman. That has not been set yet. Right now the best guide that we have is an American Bar Association guide that was created a number of years back, and that is 150 open felony cases, and then there's a waiting process. All cases don't count for the same number. At this point, all of our lawyers, except for our newest lawyers who we couldn't give 80 cases at a time, of course, all of our lawyers are running at as we enter September anywhere between 100 and 115 cases. So we're rapidly approaching that 150 open cases. That's not the cases that have been closed. How many cases each of our lawyers have actually handled starts [inaudible] plus how many they have open today, I don't have that figure. I can get it, but I don't have that right now.

Chairman Liakakis asked, how many cases are the panel lawyers handling at this point? Mr. Edwards said, of these 2,200 or some odd, I believe, — and if you'll give me just one moment, Mr. Chairman, I've got that information in one of the memos we sent out recently — at this point as of the end of August of the new felony cases that were opened, about 4,800 had gone to the panel and about 2,200 had come to the Public Defender's office. So we're a little bit above the percentage of cases that we anticipated being handled — being able to handle with our staff. Chairman Liakakis said, you mean to tell me that the panel attorneys right now are handling 4,800 cases. Mr. Edwards said, they have handled 4,800 of the cases that have been opened since 2005. Chairman Liakakis said, since 2005. Mr. Edwards said, since January 1, 2005. Chairman Liakakis asked, and your office is 2,200? Mr. Edwards said, yes sir. Chairman Liakakis asked, how many panel attorneys are there? Mr. Edwards said, there are 3,400 active panel attorneys as of today, unless the numbers have changed in the last couple of days. Chairman Liakakis said, what I understood the way the State wanted to do, they have the Public Defenders because we need those people that cannot afford an attorney to provide that for them, but to have that many panel attorneys, you know, at this particular point when the State is not funding us, as they should be on the Public Defenders cost factors. I mean, it's another what's going on right now is another state-mandated unfunded situation that we have costing the taxpayers in our community a considerable amount of money. Mr. Edwards said, there's no question about the fact that it's a requirement the State has put on the County without the funding to support, but if you combine today, this year's — if you combine this year's Public Defender budget plus the Indigent Defense budget, which would give you your sort of total Indigent Defense budget, if you combined the actual numbers this year with the numbers last year and the numbers the year before, there's actually a decrease. The Commission budgeted less dollars for total Indigent

Defense for this budget year than they did last year. So I understand exactly what the Chairman's position is and that's part of the process of weaning ourselves off of the panel system, the old python cases which are an assumed liability that the County has that we just have to let those cases get through the process.

Commissioner Kicklighter said, Mr. Chairman, may I ask for him to clarify? Thirty-four panel attorneys and how many cases did they —? Mr. Edwards said, 48 give or take. Commissioner Kicklighter asked, 4,800? Mr. Edwards said, yes sir. Commissioner Kicklighter asked, and how many attorneys in your office? Mr. Edwards said, 16 now. Commissioner Kicklighter asked, and how many cases? Mr. Edwards said, 2,200 of those. You know, we haven't had 16 lawyers since January 1, 2005. Commissioner Kicklighter said, approximate expense for the 34 panel attorneys, do you have —? Mr. Edwards said, I don't know the budget this year, but the Indigent panel is 2.25 million. Commissioner Kicklighter said, but you don't have a breakdown of how much you paid the 34 panel versus the breakdown of your office. Mr. Edwards said, not with me, no sir. I'm sure I can gather that information, but I don't have that now. Commissioner Kicklighter said, that would be pretty interesting to see.

Chairman Liakakis said, Michael [Edwards], you know, there's some concern here, you know, and there's been some discussion, you know, between County Commissioners, you know, about this. I mean, we understand, you know, that people that should have an attorney, you know, to provide that for them. If they're indigent, they can't pay for it. But how about before we vote on this today can you bring us some information — how many panel attorneys were there originally when we started this and compare this 34 to their and let's have some more figures. I mean, that's been some comment, you know, from some of the Commissioners that we should have that information because we're adding six to it, which is an additional —, you know, we've got \$100,000 in one area and \$222,000, but that's \$322,000 for the additional six, you know, attorneys. But if we have more information that we can give to the Commission so that we can make a decision, you know, concerning this.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just have a question and a concern, I guess. This is reoccurring cost. Correct? Mr. Edwards said, yes. County Manager Abolt said, yes. Commissioner Stone asked, what happens if for some reason the State just doesn't come up with their share of the money? County Attorney Hart said, that is an unfunded mandate and basically the way this thing was created —. Commissioner Stone said, my concern is that we have already a lot of unfunded and underfunded mandates that are passed down to us. I just don't want to get us caught in the situation that is going be detrimental to this County Commission Board as far as our financial responsibility here. Mr. Edwards said, I can appreciate that and I just want to be sure that the Commission is aware, this is something that we talked about several different times, but is it — it's not the easiest concept to sort of get your head around, and that is those individuals, those 32,000 cases — first of all, a lot of them are misdemeanors and that's a lot of what the 34 panel lawyers do. We don't handle any misdemeanor cases. We don't have any of the misdemeanors except an occasional misdemeanor that's attached to one of our cases —.

Commissioner Kicklighter asked, can you put that in your breakdown of the expenses for us? How many felonies each handled and everything. Commissioner Stone said, that's what we need. Mr. Edwards said, I can tell you that —. Commissioner Kicklighter said, that will actually — we can see how feasible — I mean, because I don't want the public out there to misconstrue anything that we're saying. We have to provide public defense, but at this point we don't know if it's more feasible to out-source the attorneys or get extra attorneys on your staff. So that's kind of what we need to make an education decision on that. Mr. Edwards said, well, I'll be happy to provide any numbers that the Commissioners want and that was part and parcel of the reason we wanted to bring this in because the positive budget adjustment that we're showing up here, that is a reduced — those are monies that are not being spent out of that \$2.2 million dollar indigent defense budget, so that's — what we're trying to demonstrate is that the operations of the Public Defender's office are doing exactly what the Commissioners are interested in seeing. It's reducing the overall Indigent Defense cost from the panel side and that happens when we take on additional cases [inaudible] cost containment.

County Attorney Hart said, the hope was, and the numbers seem to be trending that way, that as you ramp up your Public Defender, his numbers are going to — his expensive numbers are going to increase but your panel numbers are going to significantly decrease so that you've got a — you're going to have to spend the money because it's a service and we don't have any choice. So the question is how do you deliver the service most cost effectively?

Chairman Liakakis said, yeah, but, Jon [Hart], here's what we've got is questions, you know, and discussions you know with the Commissioners and all. If you bring these figures to us so that we can look at it — and do this, Michael [Edwards], because this will help out. Distribute that information to us before we have a meeting. You see what I'm saying — so that we can look it over. How many panel attorneys were there before, you know, that the Public Defender's office started. The amount that we have now, the monies that they have been collecting, you know, from us —. Let me just tell you something. When you have a situation that was brought to my attorney that a specific situation came up, that the amount of cases — I'm not talking about Public Defender's okay? The amount of cases that was handled by one entity, that person could not have been handling any personal business whatsoever. None. I mean, if you look at that hours and the amount of — the time element that it takes and the amount of cases and what was being paid out by the County to them, there's a problem somewhere around. Maybe we just don't have the right information. Is this particular entity, that's all they do, you know, just get these particular cases that have been assigned to them and they do nothing else because that many cases, boy, it's takes a huge amount of time to handle that. But, anyway, your office is doing a good job. We appreciate it and we appreciate your leadership in there and your working on the office, but I think what the Commission would like to have additional information so that we can take it from there and make some kind of decisions to help out.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I just — Russ [Abolt]? County Manager Abolt asked, sir? Commissioner Gellatly said, usually when we have a department or someone that's affiliated with the County —, Michael [Edwards], you have a dog in this fight and you're going to bring the figures

to us to look at. Is there someone else that he can bring the figures to and we can have someone that's not involved in this at all present the figures to us? County Manager Abolt said, I don't know. By the term not involved, certainly technically anybody on my staff is involved at some length. But why don't we have Finance staff meet with him and have our Budget Analyst to look at it and then let me think about how we might get —. Commissioner Gellatly said, okay. Nothing personal. I mean, if it was the police department, jail or what have you, why there's some of Russ's [Abolt] people that are in the middle before we get the figures, you know. County Manager Abolt said, we'll look at it.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I just want to thank you for what you do do —. Commissioner Gellatly said, yeah. Commissioner Stone said, — and I think that what we're trying to do here is get some clarification, but certainly from my perspective I was just concerned with what is currently going on with the unfunded or underfunded mandates and the burden that it's putting on us locally, and I just want to make sure we don't get ourselves in the position that comes back to haunt us if we can look at the numbers and digest it and come up with some other solutions.

Chairman Liakakis said, Mike [Edwards], let me ask you this one question, too. Isn't some money collected on a local level and we send that money up to the State that goes into that Public Defender's —, is that the way that works? Mr. Edwards said, the State side of the Public Defender's System is funded through users fees: court filing fees, interest that's earned on the Sheriff's and Clerk's funds, and things like that. It comes from the people that are going through the court system. Chairman Liakakis said, yeah. We send that money up to them, right? That goes to the State, correct? Mr. Edwards said, right. Chairman Liakakis asked, do they send us all that money back to operate this Public Defender's office? Mr. Edwards said, a fund — through the staffing that they fund, through the non-staff members that they fund, that's the State's contribution to the system. The base contribu—, the base staff is what the State —. Chairman Liakakis said, but the base staff, that's not all the expense. You've got an expense that you have there, you know, you've got rent and that rent right now is costing us something — what is it, \$9,000-\$10,000 a month. Mr. Edwards said, it's about \$10,000 a month, right. Chairman Liakakis said, yeah, \$10,000 a month and it's an escalating type of lease and all of that, and the State's not paying any of that plus other expenses you've got. I mean, you've got a big burden on you, you know, and you're trying to operate this office, and you and all your attorneys and staff people do a good job and we appreciate that, but this thing — the State not sending more money to operate that, and this has been mandated by the State, there's a problem with that and we're going to be lobbying about that again, you know, to the State because we have to be fair to our citizens right here and, of course, we have to be fair to you because you're trying to, as best you can, do this overall thing that you give good representation and run that office right. Mr. Edwards said, well, one of our principal goals, I suppose the overriding fiscal goal is to contain the cost, and that's what we do that we can't do a panel, and I will provide all the numbers that I can provide, but the difficulty that we get into is when you're looking at the panel numbers, like for example a set case cost, there isn't one. The number of people on the panel, people come and go, so what happens is that with the Public Defender System one of the benefits the County gets is cost

containment, which is not necessarily cost containment, but it's cost containment, so I will try to get those figures together and provide whatever data we can provide that can paint that picture.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to say you've got a job kind of like the Tax Assessors — you can do it for free and you're not going to be considered a hero or anything because that's just something the public, you know, it's an outcry, as you well know. We've got criminals and people like to see them in jail, but someone has to do your job and I'll state I can't imagine anyone doing your job any better than you're doing. I appreciate your work. Just bring us the figures and we'll take a look at it, and you do an outstanding job, and again that's for the public to know. Someone has to do it by State law and I will state that because I know you feel like you're probably getting beat up up there. You're doing as good as it can be done, but we just need some more info to make our decision, and we appreciate your work.

Chairman Liakakis said, one thing too, Mike [Edwards], if you could, like work with our Finance people or something, but look at a case — a misdemeanor case is not as involved as a felony case except under certain circumstances. Is that right? Mr. Edwards said, it varies, but under the — the sanctions aren't as high and usually the case is not as complicated, that's right. Chairman Liakakis said, that's what I mean, it's complicated. I mean, you've got some things that you have to go back in and you have to do other motions or whatever you have to prepare, you know, for the trial and all, but make some kind of a thing, like you take a misdemeanor case and how much are we paying for an individual, you know, if you could do like 20 of those individual cases, because see this will amplify what your needs are and we look at all of this information coming back to us so that we can help you and move on for here. Mr. Edwards said, I will certainly do that. I would ask, Mr. Chair, if I had said initially that my being here today was sort of a two-part purpose, and the first part of the purpose was to request execution of the contract that really does nothing more — it doesn't do any more than formalize what we're doing and what's in the budget. I would ask that if this Commission may give some consideration to executing that contract before we move onto this second step so that we have that step resolved.

County Manager Abolt said, Alternate #1, sir.

Chairman Liakakis said, okay. Commissioner Gellatly said, I make a motion we do that. Commissioner Thomas said, second. Chairman Liakakis said, all aright, we have a motion on the floor and a second to take —. Commissioner Kicklighter said, to approve Alternate #1. Chairman Liakakis said, yes, Alternate #1, what Michael [Edwards] has just requested. Okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.] Chairman Liakakis said, the motion passes. Thank you, Mike [Edwards], and we really do appreciate, you know, since you've come on board and put things in place, you know, for Public Defender's office. Mr. Edwards said, thank you.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve the 2006-2007 Indigent Defense Services Agreement. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Odell were not present when this vote was taken.]

AGENDA ITEM: IX-4

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Linda B. Cramer, Finance Director

ISSUE: Board consideration of the 2006-2007 Indigent Defense Services Agreement and authorize additional funding for six positions in the Public Defender's office.

BACKGROUND:

Board approval is required for renewal and amendments to the agreement.

FACTS AND FINDINGS:

- 1) The Public Defender has submitted the 2006-2007 Indigent Defense Services Agreement for approval. The agreement reflects current staffing levels. The County Attorney has reviewed the agreement, and a copy is attached.
- 2) The FY2007 budget request for the Public Defender's office included two decision packages. The Public Defender is requesting approval for Decision Package 1, which adds six positions. The first year cost, adding positions effective October 1, is \$322,785. The recurring annual cost is \$430,580. Staffing charts and computation of the costs are attached.
- 3) Decision package two, which included four additional positions, has been referred to the Human Resources and Services department for review.
- 4) A transfer of funds would be required for the additional staff. Based on historical experience, \$100,000 is available for transfer from the Panel of Attorneys budget. The balance of \$222,785 would come from the General Fund M&O Contingency.

FUNDING:

Funds are available in the General Fund M&O Contingency and the Panel of Attorneys budget for the transfers.

ALTERNATIVES:

- 1) That the Board approve the 2006-2007 Indigent Defense Services Agreement as presented with no additional allocation.

- 2) That the Board amend the 2006-2007 Indigent Defense Services Agreement to include an additional 6 positions as described in Decision Package One, thereby amending Attachments A and C of the Agreement, and authorizing the transfer of \$100,000 from the Panel of Attorneys budget and \$222,785 from General Fund M&O Contingency.
- 3) That the Board provide other direction.

POLICY ANALYSIS:

Board approval is required for renewal and amendments to contracts. State law grants the Board authority to amend the budget during the year as it deems necessary.

RECOMMENDATION:

For Board consideration.

Prepared by: Read DeHaven

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5. REQUEST BOARD ADOPT A MWBE (MINORITY/WOMEN BUSINESS ENTERPRISE) POLICY FOR CHATHAM COUNTY AND AUTHORIZE THE COUNTY'S PARTICIPATION IN A JOINT DISPARITY STUDY.

Chairman Liakakis said, we have Attorney James here today who will give us some information.

Mr. Robert James said, Mr. Chairman, thank you very much and Commissioners. We're going to try to be as quick as we possibly can given the late hour, and I want to take this opportunity to, first of all, thank all the Commissioners for allowing us back before you and, second of all, I would like to acknowledge Mr. Dean, Mr. Gregory Dean and the County's new Minority and Women's Business Enterprise Coordinator. He's working out of the Purchasing Department with Mr. Parson, and I also want to acknowledge that the staff of the Purchasing Department, as well as the Director of Human Resources, Mr. Kaigler, and Mr. Hart, have all been instrumental in helping us to work through the MWBE program to this point, and they've all been very cooperative and done an outstanding job. Mr. Dean, who I believe you all met at a pre-meeting probably about six weeks ago, is an extremely experienced person who's moved to the community from Washington, DC. He has over 30 years of experience in Purchasing and Procurement and Minority Business Programs, and he's bringing an enormous amount of experience and resources and energy to the program that's going to help us to implement the policies that we are going to be proposing to you today. And that I would like to allow Mr. Dean to take over and thank you very much.

Mr. Gregory Dean said, thank you, Robert [James]. Good afternoon, Chairman Liakakis and distinguished members of the Commission here. I'm Greg Dean and I'm the County's new MWBE Coordinator. I'm joined here by Robert [James]. What we're going to do is we're going to show

you briefly what we're doing with the program. It will take about five to seven minutes, but basically we have two requests, and those requests are as follows. Number one, we have a policy that we presented to you for the County — County Managers and you should have that in your package, but that MWBE Policy basically outlines the County's Equal Opportunity and Business Policy that supports the mandate of the Commissioners. That mandate is to increase the participation of Minority and Women's Business Enterprise's County contracts. So that's the first request that we have. The second request is for you to consider and conceptually approve the concept of a Joint Disparity Study between the County and other participating jurisdictions who might be interested in contributing to the cost of such a study and also enjoy the benefits of the results of those studies — of that study. So those are the two requests that we have here, and what I'm going to do is just briefly say a few things about the background to the request.

Mr. Dean said, first of all, we know that the reason why the Commissioners mandated this policy and the reason why I'm here is because there's some background in the history of our country where it was at some point in time a systematic exclusion of minorities and women in contracting opportunities in public enterprises, like states, most governments, cities, towns, et cetera. So what we have here is a situation after the Civil Rights Act in 1964 where many state and local government officials, like yourselves, decided that this was a problem that needed corrected. One way to correct this problem was to create an Equal Opportunity and Business Policy. Many states and local governments have done that, just like Chatham County. And in that respect, what has happened is that you've mandated the establishment of a program that is designed to go out and promote, advocate and actually cull from the community, from the marketplace, those women — Minority and Women Business Enterprises that are capable of supplying the County's needs. So what is happening here is that we're trying to make sure that we legitimize this program with a policy that is clearly publicized, clearly known to all the actors in the value chain of all contracting activities that are associated with the County. In order for that to happen, we're asking you to approve the basic policy for equal opportunity business.

Mr. Dean said, the other matter has to do with the idea of the Disparity Study. What you have in your handout is a brief primer. There's a slide there that basically talks about what a Disparity Study is. I'm not going to go into detail about what all that means and what all that says on the slide, but essentially what a Disparity Study is is an examination of the market area — in this case, Chatham County's market area, which is some 500-600 square miles, where we have business enterprises that are operating. We have no minority business enterprises, we have minority business enterprises, and we have women-owned business enterprises. So what we do is, we engage a consultant, particularly in economics consulting that has significant experience expertise in economics, management, market surveys, market research, disciplines, and that company goes out into the marketplace and they uncover or discover information about a company's operation. In this case, in the County's marketplace. That company — that firm also comes to our Purchasing Department, our Finance Department and other participants or authorizes within the County. For example, it would come and interview you as legislators for the County to determine your attitudes and your experience with business in the area. Some of you are business people, so I think you're probably aware of the importance of understanding business attitudes affecting County contracts. So what happens is that once that data is gathered, there's a process that I've laid out to you. It's a pretty intense and detailed technical process, but in short what happens is

that data is analyzed and there is a formula that comes up with a disparity ratio, and what that means is we're looking to see whether or not there is a disparity between the number of Minority and Women Business Enterprises in our market area and the contracts that we have that we award to those minority and female business enterprises. Whatever the result that is, which is typically a percentage, okay, that determines the extent of whether or not there is any disparity. There may be some disparity depending on a commodity area, goods and services, supplies, materials, construction, or there may not be any disparity, but the idea is that what the County needs to be aware of is that when we go out and we're saying that we have a policy of equal opportunity in business, the County wants to make sure that that is a real policy, that that policy can be supported and defended, and that in fact any businesses in our market area know that we are in fact honest and serious about making sure that when we award contracts, we are fair, open, equitable and in those [inaudible].

Mr. Dean said, so that's basically what a Disparity Study is. It is very important to have one of these things because if you don't have a Disparity Study, you don't know whether or not you're exposed in your liability to inferences of discrimination, you don't know whether or not you're exposed to lawsuits or legal actions that the County can defend. So that's a major part as well.

Mr. Dean said, now finally what I'd like to say is that one of the concepts that we have that we're proposing is for jurisdictions other than Chatham County to share in the cost of the Disparity Study. In 1995 the Chatham County Commission authorized a Disparity Study. The County solely funded that study. The study was completed, but as you can see in the information I provide you, typically you want to have a study done every five to seven years. That study was done eleven years ago, so it's time for a new study. In order to come into the 21st Century, we want to make sure that we have a policy that's strong enough to ensure that we are actually serving all aspects of the community, not only the business community, but also our residences. Since Chatham County is a significant area with Savannah as a seat, we believe that we ought to join in or they ought to join with us to fund and benefit from the Disparity Study. In that respect, I'd like to call upon Kaigler, who you know, and he's going to share with you some more about the strategy about how that's going to be funded. But today what we're really asking for is the approval — the conceptual approval that will allow us to go out and negotiate with the City of Savannah, School Board, Airport Commission, to in fact combine funding to get that done. Thank you.

Chairman Liakakis said, well, let me ask you this, Greg [Dean]. Then suppose none of those others want to participate in it, then this isn't authorizing us to pay that fee? Mr. Dean said, no. Chairman Liakakis said, let me just say this to you, Gregory [Dean]. Because of your experience and all, the County has you on board. Robert [James] over here, who is an outstanding attorney, putting together. That's why we've got him, you know, to look at that because we want to be fair to the citizens and our community and have the opportunity for people that have not participated, the minority and the women in our community on County contracts and all. But one of the things that I'd like to throw out too is something to consider. The City of Savannah has some process that they say is excellent or it's good at least and it has been looked at, you know, by the court system or Federal Government or whoever, and that it's working because they are pushing really hard for minority and women participation, you know, to get the City contracts and all. With your

experience and all, because one of my concerns of this is that we, you know, want to do these studies and all. We had a study before, you've got all this experience — Gregory [Dean], Robert [James] has this experience and all, can we, you know, take the information when we get these outside sources and see and to make sure that this County is doing the right thing for minority and women participation in here without spending \$600,000?

County Attorney Hart said, Mr. Chairman, the concept here is that this Commission's committed to end up to the MWBE program, okay, and the courts have come down and basically said if you're going to have a MWBE program, you've got to have a valid study that statistically shows the disparity in your community and unlawful disparity in your community so that you can formulate a program that will address unlawful disparity and not be this broad brush untargeted program. And that's the law, and it must be based on a current study. So if you want to have this type of program, you've got to have this type of study, and in meeting with these folks and spending hours with them, a decision was made that perhaps what we need to do is look beyond ourselves and to include the School Board and to include the City of Savannah so that we had a valid study for our geographic region and so that if these other entities wish to participate in a program similar to ours, there will be a statistical basis to support the program. And cost-sharing is probably the best way to have control of this. This is not a situation that we can go out and borrow Atlanta's or borrow Charlotte's because it's got to be based on what's going on in our community.

Chairman Liakakis said, well, that's good because, Jon [Hart], this Commission, we want to do the right thing and offer the opportunities and in past opportunities have not been there in some cases and we need to, you know, to change that and do it the right way, and that's why we've got Robert [James] on board.

Commissioner Gellatly said, they're not asking money. They're asking to go out and see if someone else is willing to share the cost. I think it's a good idea. I don't think there's anyway in the world the County's going to pay \$600,000 ourselves to do that, but if the ---. I personally have an interest in it and I believe some of the other Commissioners do too. So if all you're looking for is the authorization to go out there and see if there's other interest in sharing the cost, I'd like to make a motion that we let them do it. Commissioner Thomas said, second. Commissioner Holmes said, second.

Chairman Liakakis said, yeah, and, Jon [Hart], thank you for bringing that information to us because we see that what you're talking about a study is needed and we can see that we want to do the right thing.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, the attorney — you say unlawful disparity. County Attorney Hart said, yeah. Commissioner Kicklighter asked, does anyone on this Commission think we have had unlawful disparity? County Attorney Hart said, you don't know. That's why you do the study. For example, you can have disparity, somebody can come in and say we don't have any Eskimo contracts. Okay? That's not unlawful, we just may not have any Eskimos. On the other hand,

you may have a situation where an effective group of people within your community is a significant class of individuals and you have none of those, and the question becomes why do you have this population where no one qualifies to participate? Commissioner Kicklighter said, let me —, and I'd like to finish. I definitely support equal treatment for all people. What concerns me is when I even read just the label of this is MWBE. That's, I guess, Minority and Women. What actually when you pass this kind of policy or whatever, who exactly — what race is there a minority in and we know women are a part of all races?

Mr. James said, the term is an encompassing term that encompasses racial and ethnic minorities that have traditionally suffered from discrimination in the United States of America, and so the definition is based on Federal guidelines, but it primarily includes African-Americans, Asian-Americans, Hispanic-Americans and Native Americans, and the reason that — I don't want to give a history primer —.

Commissioner Kicklighter said, no, I don't need the history. Let me shorten the question. Is everyone included in this except for the white man? Mr. James said, well, I think that the point is that you want to guarantee equal opportunity for all and that's really all you're doing. We're not —. Commissioner Kicklighter asked, let me ask, does it establish minimums for a white man also? Mr. James said, no sir. Commissioner Kicklighter said, I mean, like you go over in here —. Mr. James said, the program simply states that in the policy that we've included in your package simply calls for a guarantee that there's equal opportunity for all who want to participate in County contracts, but it does recognize that there may have been historical discrimination against certain groups, and so we want to make sure that we encourage those groups to participate. We are not providing any kind of preferences for any particular group. Commissioner Kicklighter said, so in other words there's no establishment of minimum diversity? Mr. James said, no. Commissioner Kicklighter said, well, that's good. Mr. James said, that would be in violation of Federal laws. Commissioner Kicklighter asked, why not just instead of even — because we live in a country where we're all continuously saying we want to come together, why have a name on a program that separates? Why not have a Purchasing or whatever policy of equal treatment for all people? Mr. James said, I believe that's what the policy actually calls for. Commissioner Kicklighter said, well, I mean, but I'm saying it's the MW — what's MWBE stand for? Mr. James said, that stands for Minority and Women's Business Enterprises. Commissioner Kicklighter said, okay. Well, why not just a policy for all people because it's fair for all people. That's what — that's all we need and that's all that anybody should ask out of life is fair treatment for all people, and because, I mean —. I'll tell you this, and I swear to God I want fair treatment for all people. But as a white man that was born a white man, I get offended that there's things out there but because I was born a white man, I'm not included. And I am not involved in past problems of this country, and you know to start straightening out some of our racial problems that we have today, I think it's time to quite separating and let's just bring it all together and get rid of labels and let's just have a good policy that protects all people, no matter what — color, race or woman — where we're all represented. Mr. James said, I think what you'll find, Commissioner, is that the way that the County Manager, the Purchasing Department, actually go about administering contracts and the way it will continue, the way that it has been done under the previous MWBE policy and the way that takes places under the proposed MWBE policy is a very inclusive policy and I don't think that there has been or will be any indication that the County would prefer one group over the other. I believe that the

policy is designed to encourage those groups that have historically been discouraged from participating from applying — for applying to a County contracting opportunities, but I don't believe that there's in any way an exclusion of anyone who's not named in the policy. It's just a matter of encouraging those who have historically been discouraged.

County Attorney Hart said, all the statistical studies of the program is going to include the entire population. You wouldn't have a meaningful study if you didn't include everybody. So all you're doing at that point is measuring against the population as a whole what you would think ought to be happening within that population. Then you look and say what are the reasons for that, are there reasons that people don't like hot weather in the South, for example, or are there reasons that just occur that have no factor in regard to a discriminatory policy that just occur, and then are there areas which have affected people for reasons that go beyond that, and then at that point you say how do you encourage participation so that you have a population as a whole that has an equal opportunity to participate in the process. And so you study it and you design your program and then you encourage those segments that you feel they statistically may not be participating as much to give them an opportunity to come and join in with everybody else and participate. And we don't predetermine or know what that is.

Commissioner Kicklighter said, instead of costing \$600,000, does not the little saying that says Equal Opportunity Employer say that to everybody? County Attorney Hart said, no. Words are not going to uphold any kind of program that is based on what you think is going on in your community. We can't all get together and hold hands and say we're all good guys. What you've got to do is statistically demonstrate that you are a good guy. Commissioner Kicklighter asked, do you have to do it under that —. County Attorney Hart said, you don't need to do the title —. Commissioner Kicklighter said, or can it be called something that's very inclusive of just every [inaudible] — fair policy, whatever. County Attorney Hart said, you can call it whatever you want to, but the process —. Commissioner Kicklighter said, that's all I'm saying is I believe that this is equal and it's not discriminatory against the white guy, I don't think so. I'm just saying that we as a country, we talk about equality but then we throw something out here that separates, and this title is very separating and alienating for the white guys that are between 18 and 39 years old, and that's [inaudible] that shows a study for equality and job whatever from the County is fine with me because that's all I want is equal treatment, and I don't like as being a white guy at 37 years old that I'm not included. I want equal treat meant too.

Chairman Liakakis recognized Commissioner Kicklighter. Hold it, Mike [Kaigler], because after Priscilla [Thomas], I want to say something.

Commissioner Thomas said, well, I think the two attorneys certainly have hit the nail on the head with what I wanted to say, specify that very clearly. And, Dean, the reason why it's like that is because many of the minorities and women have been left out and you know for a fact, it's a given. That's the reason why it came up. That was the reason why we looked at in 1995 was because these people were not given the opportunity to come to the table, and then if they came to the table, it was probably one, and then they said that, you know, they were not qualified or we didn't have any persons that were qualified of color. So, I mean, let's be real and look at this situation, look at it from the vantage point of you that we do want to make sure that everybody has

equal opportunity for whatever comes up here, regardless of whether you are white, black or whatever, but we have to establish something that will be legitimate, you know, in the eyes of the government and everybody else so that we can move forward. No, no one wants to talk about, you know, color but let's face it, it's out there, it's a reality and let's not kid ourselves, you know, we have to deal with it. So this is a way of dealing with it and I think the attorneys have expressed, you know, very well what we need to do.

Commissioner Kicklighter said, and may I state please — let me say this. I have no problem with the concept, equal treatment for all people is what we all deserve. We all should be treated equally. I have a problem with the name of this study.

Chairman Liakakis said, all right, Gregory [Dean], let me say this to you because I think that's really important. This Commission hired you because we needed you, you know, to help us to make sure those opportunities are out there and one of the things that I'd like to see you do is —. Wait a minute. Dean [Kicklighter], hold it. If you would do this, go out into the community so that those that have not participated, that you can educate them so that ability, you know, to come in because I understand now what Jon [Hart] is saying about the study and how that's important to do the things that are necessary. All I was saying is, you know, about the money situation that maybe we could find out from other areas, but that was clarified by the attorney, you know, that that study is necessary. So we should do the study, you know. We get other people on board with us, but it's really important, Gregory [Dean], for you to educate out in the community so that we can have those that have not participated that they have the training, they've got the ability to participate and not being out in left field and not have anything to do with the County.

County Attorney Hart said, Mr. Chairman, if it's a concern about what we stick on the title to the program, what we call it, that's the concern what we might call it, you could direct staff to sit down and come up with a new name and we will call it something that is a very positive program. I'm sure between all of us we could come up with a name that does what it needs to do. The process of a study has got to be done in certain ways to be statistically valid, but, you know, if the concern of the Commission is that it gives the appearance of some type of preference on the exclusion of others, we can come up with a name that is super-inclusive if that is what y'all direct us to do.

Chairman Liakakis said, go ahead, Gregory [Dean].

Mr. Dean said, Mr. Chairman, I'd just like to dovetail what the attorney just said. We sort of anticipated the idea that there might be some concern about calling the County's program a Minority and Women's Enterprise Program, so Attorney James and I did come up with a brand for the County's program, and that name is called Access Chatham County. You'll see in your presentation, and Commissioner Kicklighter, we can certainly appreciate your concern. I understand that, and we did sort of anticipate that concern, but our anticipation was broader than somebody actually being concerned about it. Our anticipation was based on the fact that we truly and sincerely honestly believe that if we're going to have an equal opportunity in business policy, there should be access to everybody and not just one particular group or a certain group. Thank you.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I appreciate that and I'm glad we had that — we had the discussion and clarified something because the fact of the matter is that in this room there are only two people that are not in a protective class and that would be Dean and the cameraman. Okay. Everyone else in this room is in a protective class, and they all need to be protected, including old guys like me, you know, and we need to make sure that everyone in the community have their rights preserved and protected, and I certainly support the concept and I would hope that there would be other government agencies in the community that would also take part in it, and if you can come back with something like that, I'll support it. And I support — I have a motion on the floor right now. Chairman Liakakis asked, do you have a second with that? Commissioner Thomas said, I second it.

Chairman Liakakis said, it's been seconded it. Okay, Pat [Farrell] —, wait a minute. Hold it just a minute. Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I'd just like to ask the County Attorney, does implementing this study imply that Chatham County staff is not being inclusive to certain groups of people? County Attorney Hart said, no, it does not. It does not at all. What the courts are saying is you can't go out and develop a program about what you think might be happening if you don't know, and you can't give people some type of preference or whatever unless there is some cause and effect there. And what this study does is it goes in and samples the entire community and looks at the entire process and comes back and says here's what the makeup of your population is and here's what's going on and your process and here's what we can explain, here's what we can't explain, and on by the way there are some concerns here. Then you draft a policy to deal with the concerns. It has not indication at this point that this is a problem. We have never had a problem to my knowledge with getting minority participation at the goal level set in some of our contracts. Perhaps there could be more, we could always do better, but that statistically we've been able to meet those type of goals. What this is doing is saying we're going to have a program that looks at everything and then we're going to judge it based off of what, for lack of a better term, we're going to ground-truth it. We're going to go out and see what's out there and we're going to base what we do based on a valid statistical study so nobody can criticize it. Commissioner Farrell asked, are there some instances that I'm not aware of that are bringing us to the, you know, spending a half a million dollars of taxpayer money to study something or is there something that I'm not aware of that's going on because, you know, I'd like to know because I'm under the assumption that we're doing things to be inclusive to everybody and be fair to everyone right now, and that's what Mr. Dean's job is —. Studying something for half a million dollars is a lot of taxpayer money and I just would like to know if I were studying a problem, if we can't identify or put our finger on some sort of problem that we have right now?

County Attorney Hart said, in the last four or five years there's been a number of cases, including several Supreme Court cases. The Supreme Court cases have basically said this: If you're going to have some type of affirmative action or a program to encourage minority participation or women participation or whatever it is you're trying to encourage, that you can't just go out and create that. If you want to have a program to make sure everybody's participating in it and you want to

formalize that program, then the courts say we're going to require you to do a statistical study that's valid that shows what your problem is. We're not going to guess at what the problem is; we want to know what the problem is. And then if you adopt a program, we're going to look at that program and say is this program overly broad, is it based on assumptions that are not supported by statistical data, or is this program defined so that it addresses problems that have been identified in the study? If you have the study behind it, you have a much better chance of being (a) successful and (b) withstanding any type of legal challenge that you have. If you do not have the study, then we need to close the books and do something else because you do not have a program that you can put in place because we're all guessing as to what we think may or may not be occurring.

Chairman Liakakis said, yeah, but we — the opportunities need to be out there where they have not and the people do not and, Gregory [Dean], as you know with the experience that you have, that people in this community do not know, you know, but what is needed, the training that they have for them to participate so that we can have this situation, you know, taken care of and remedied in that area. County Attorney Hart said, this program is also good from the standpoint that it helps staff to identify skill groups, okay, and we've already seen that when we did the last study, and it helps explain why certain things cost the way they cost. We have very strong masonry businesses in town, multiple ones, and we have small mid-size companies. If you get to the electrical phase of that, we don't have many. Is that still the case? I don't know. That was the case in 1995. So it helps explain sometimes when you're contracting, depending on the skill set you're going to need for the project, what you can expect to find in the marketplace when you go out to bid something.

Commissioner Odell said, and, Jon [Hart], beyond that it provides a good-faith approach so that should it ever be challenged, that good-faith approach shows that there were not motives that were designed to deprive or mislead. This is the foundation.

Mr. Dean said, Mr. Chairman, there are many times when government programs have missions and objectives that are intended to achieve certain outcomes. Sometimes unintended outcomes are gotten. It's not that anybody did anything wrong. It's not, you know, examination of the County's position on equal opportunity in business since I've been here for the last 90 days is I'm impressed with what I believe to be a commitment of this Commission to see this through. I believe that the County Manager has always very much demonstrated that commitment by the fact that I'm standing here. So the idea of unintended consequences is something that plays in my mind a lot. It's your idea about going out into the community. As you can see in your handout, we have a four-pronged methodology. It's very basic and it's [inaudible]: advocacy for the program, capacity building, [inaudible] doing some technical assistance to all the groups, but particularly under-served groups, competitiveness — hey, how to sharpen your pencil so you can compete effectively, when and do the contract well. And then the last thing is accountability. It's my job — you hired me to be the accountability guy to make sure that your policy is being done. Now we're going to do this in a diplomatic way, we're going to do it in whatever ways that we have to do it, whatever the skills that's required. I think I have most of those skills. If I'm out of line, you certainly have the right and the responsibility to say, Greg, let's try a different way, okay. But the idea is that on the Disparity Study, Commissioner Farrell, the idea is that as Attorney Hart

indicated is that the courts in challenge — because there might be a challenge, you don't know — in case of a challenge to the idea — hey, the County ought to be fair and equitable to all members of the business community. Somebody may challenge that, and if they challenge it, if you don't have a Disparity Study the court will rule against you.

Commissioner Kicklighter said, I've got a question. Chairman Liakakis said, wait a minute, Dean [Kicklighter]. Let Michael [Kaigler] explain that to us and then go ahead. He's been standing up there.

Mr. Michael Kaigler said, we have had staff discussions with several of the other jurisdictions involved and the last time the County did a Disparity Study, the County funded the Board-approved appropriated approximately \$300,000 for that Disparity Study. We've had interest from other groups that want to join in because if we do a Disparity Study, it will be — the Board of Education could use the results, the City of Savannah could use the results, the Airport Commission, they all have programs. If you approve staff's recommendation, what we would be doing would be working with the City and School Board to develop an RFP and solicit for those services. We would then come back to this Commission jointly with the other agencies that plan to participate and request the approval of a Disparity Study. At that time we would have our funding lined up as to who was going to participate. We hope we can get everybody to participate. We may not be able to, but we will know at that time.

Chairman Liakakis said, okay. Thank you, Michael [Kaigler]. Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, all right, thanks. The Attorney brought up the word something about affirmative action and to be able to advertise. Is the study needed — is it the intent to establish after the study minimums for minorities or —. Mr. Kaigler said, no sir. The intent of the study —. Commissioner Kicklighter said, and that's even fine with me if that was the intent as long as we had a minimum for the — everyone. You know, everyone at it, and —. Mr. Kaigler said, the intent of the study is to determine in our area which different groups are being underutilized in terms of doing business with the County and getting County contracts. Commissioner Kicklighter said, Gellatly informed me that in three year I'll be protected, I'll be over 39 so I'll be out of that group. Just speaking, I mean, you know, speaking honest to God in race relations in this country, somebody's got to start saying when it offends either or whatever out of all our races, and as a young white guy to be left out of a name on this is very offensive, and it feels very reverse discrimination to the young — me personally, and I would think a lot of other young white men. Commissioner Thomas said, now you know how it feels. Commissioner Kicklighter said, yes and I am truly sorry. I was never — I never took part of anything that happened in the past years. I'm 37, I'm not 67 and, you know, I just think that it's good to discuss and let's have equal treatment, and as soon as we can talk and tell what bothers all races, we might start healing a little bit in the country.

Chairman Liakakis said, and here's what we need to do. We understand now because we understand about the study that needs to be done, but we need to go beyond the study. So the three of you, you know, the information that you have, you know, you're on board with us, to make

sure that we're out in the community to those that are under-served and those kind of things that they're going to have opportunities, too, because you look over there in the community — oh, I can't do it because of so-and-so or they don't know how to do it, they just don't have the information. So everything that we can do to offer those opportunities out there in addition to the study needs to be done and the three of you working together with our County Manager and our other staff people to put these things together so that we can have this equity out there.

Mr. Kaigler said, yes sir, and part of what Mr. James has provided with us and still working on it is the training tools for when we go out in the community and looking at the capacity, what's out there in the community, and we'll be bringing that back to you.

Chairman Liakakis said, okay, good. All right.

Commissioner Gellatly said, I want to amend my motion. Chairman Liakakis said, yes. Commissioner Gellatly said, the same motion but I'd like them to consider something like a title of Access Chatham County rather than the —. Mr. Kaigler said, we can work on that. Commissioner Gellatly said, work on it so it doesn't make somebody mad. Commissioner Kicklighter said, that's their other alternate, so you can amend it to just change the name.

Chairman Liakakis said, your recommendation, Robert [James], is Access Chatham County.

Mr. James said, yes sir. Just to clarify very quickly, one of the deliverables that was called for in the consulting contract that I've been working on was a marketing plan and the marketing plan actually lays out a brand for the program so that when you actually take the program out into the community it's got a brand that will really catch the eye, and actually you look at the presentation that's in these green folders, if you look up here the brand is actually on the presentation. It's Access Chatham County and the tag line that we're proposing is Business Opportunity For All. We think that that's a very inclusive [inaudible] —. Commissioner Thomas said, very good. Mr. James said, — of a brand to actually market the program, and I just want to clarify on a technical matter that what the staff memo is actually asking you to do is two things: to authorize the staff to go forward with negotiations for a joint funding on the Disparity Study, and the second is to authorize an actual policy that will really empower Mr. Dean because technically the County policy on Minority and Women Business Enterprise participation expired, and so we're actually operating without a policy, and the policy that we've included in your packages is a race and gender neutral policy that will allow Mr. Dean to go out and to actually do the job that he's been hired to do. And so I just want to make sure that that's clear.

Commissioner Kicklighter asked, is that name change also Access Chatham County on there? Mr. James said, well, the brand of the program is slightly different than what's in the ordinance, but if you'd like for us to, you know, you could amend the ordinance, but the brand of what — everything that you will see in the program will be called Access Chatham County. Commissioner Kicklighter said, I just think everybody needs to know that we're welcome to come to work here. Mr. James said, that's right. I think it's very clear that it's a race and gender policy and it's stated as —.

Chairman Liakakis said, so we need to extend our policy, too, is what you're saying, Robert [James]. Mr. James said, it's in [inaudible]. Chairman Liakakis said, well, we just got that, Robert [James], so, you know, we didn't have the information. Mr. James said, no, no, no. It's in your —. Commissioner Gellatly said, I call the question.

Chairman Liakakis said, we have a motion on the floor that's just been, you know, about the study and the information and continuing the contract. So let's everybody go on the board. The motion carried unanimously. [NOTE: Commissioners Shay was not present.] Chairman Liakakis said, okay, the motion passes. Thank each one of you and I know working together that we're going to be able to, you know, come up with the things that we can help a lot of citizens that have not participated.

Commissioner Odell said, let me just say, Robert [James], the misperception is that if you open this up to all people, then the quality falls, and that is an absolute falsehood, misnomer and that's not the object, and the object is not to deprive but to energize all of the community. No one has a greater stake in Chatham County than anyone else, and when Dean [Kicklighter] talked about reverse discrimination, if you get the hundred percent of it and you only get ninety percent of it, that just hurts my heart. We are all Americans and if we can stop looking at one another as color and race and that race-baiting, we — Chatham County is exemplary in several areas, and being a person who handles discrimination suits as a livelihood, I was really pleasantly surprised to know that our departments, the vast majority really work to try to ensure that that's not a major factor. Within we do that and I think — and I've said this 102 times — I am so pleased that Russ Abolt is a white man because I support him and I don't want them to believe I'm supporting him because our skin looks like him. You know, my skin and Dean's [Kicklighter] almost look alike. I want you to know, I don't think we let guys with goatees be in the [inaudible]. No, but on a serious note, so I think that we internally, race is not a major factor and primarily because we have good people. We've benefitted from being in a town that has all of these excellent people from the military who've lived in different places, and I think once a person's horizon is broadened, then racism tends to fall because ultimately we're going to be competing not against Jesup and Waycross, we're going to be competing with the Scandinavian countries, who will eat us alive as far as math, engineering. We have to do things to put people all on the same footing, realizing that we came from different backgrounds. People judge who I am compared to some lawyer who's daddy was a lawyer, his granddaddy was lawyer. My father was a carpenter. They don't judge how far you had to come to be where you are [inaudible], but here you are. Maybe in a few generations we'll be beyond that, and I wanted to acknowledge Bob [James] — did we acknowledge Bob James? Commissioner Thomas said, no. Commissioner Odell said, and I want to take this opportunity simply because he's in the Fifth District and his son is a product of the Fifth District, and you all have heard — had an opportunity to hear Robert James, Jr. I think we've got the best person in the world for this job and I don't think we lose an inch because they don't throw degrees at you around Harvard. You actually have to do the work and know the stuff, and this is a fine young man, and all of your concerns — and Dean [Kicklighter] and I tease primarily because we're friends [inaudible] since he was 16, and we're politically different. I am a no-good liberal and I admit that. I care about people.

Commissioner Kicklighter said, Mr. Chairman. I want to state this is my friend. He missed the beginning of the discussion. When that first came up I sat here and I realized the title was MWBE

— Minority and Women — I realized at that point that's everyone except for me and that young man right over here. Once they pointed out that it's between 18 and 39, white guys not included, and I simply stated at that point that I'm all for equal treatment for all people, but let's change the name where a white guy between 18 and 39 is not offended. No one I don't believe is offended at all to have equal treatment for all people, but let's not put a title out there right off the bat that — the name that tells the white guy this ain't for you, and a little name change let's it be known that this is to protect everyone.

Chairman Liakakis said, excuse me —. Oh, we've got to vote now. We have a motion on the floor. Let's go on the board. Commissioner Gellatly said, we did vote. Commissioner Kicklighter said, we did vote. Chairman Liakakis said, the motion passes. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.] Chairman Liakakis said, the motion passes. **[NOTE: This vote had previously been taken; therefore, this was a moot vote.]**

Chairman Liakakis said, thank y'all very much, Robert [James]. Mr. James said, thank you.

ACTION OF THE BOARD:

Commissioner Gellatly moved to adopt a Minority and Women Business Enterprise (MWBE) policy for Chatham County and authorize staff to seek other agencies to share in the cost of a Joint Disparity Study and authorize changing the name from MWBE to Access Chatham County or another appropriate name. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

AGENDA ITEM: IX-5

AGENDA DATE: September 8, 2006

To: Board of Commissioners

Thru: R. E. Abolt, County Manager

From: Michael A. Kaigler, Director of Human Resources & Services
Gregory Dean, CPM, Minority/Women Business Enterprise (MWBE) Program Coordinator

Issue:

To request board adoption of a MWBE policy for Chatham County and authorize the County's participation in a joint disparity study.

Background:

The Chatham County Commission has authorized the revision and re-launching of a formal program within the Purchasing Department to promote equal opportunity in purchasing opportunities, with emphasis on maximizing the County's utilization

of minority- and women-owned business enterprises (MWBEs). In connection with this authorization, the County engaged a consulting firm, Diversiplex, Inc. to revise program ordinances, guidelines and materials and to develop tools to be utilized in connection with the operation of the program. Simultaneously, the County Attorney engaged outside counsel to conduct a full-scale legal review of the County's MWBE Program. Additionally, the Board of Commissioners has authorized the creation of a staff position with the Purchasing Department for an MWBE Program Coordinator whose primary responsibility is to fully develop and operate this program within County purchasing guidelines and applicable law. Mr. Gregory Dean is the County's new MWBE Program Coordinator.

The legal review of the County's MWBE Program resulted in a recommendation of counsel that the County strongly considers the procurement of a new disparity study. The legal analysis showed, in part, that federal constitutional guidelines, as applied by the U.S. Supreme Court and lower courts, require that local governments be able to demonstrate that they have a valid statistical basis to operate a fully-functioning local MWBE Program. The most recent disparity study conducted in our region was procured by Chatham County for the benefit of the County, City of Savannah, and Savannah-Chatham County Public Schools and was completed in 1995. Legal analysis indicated that it may be unwise for the County to rely upon data that is not up-to-date as the basis for a renewed MWBE Program.

Each of the other local government entities, along with the Savannah Airport Commission, either conducts a program similar to the County's envisioned MWBE Program or aspires to conduct such a program. Each of these entities shares the need for a new disparity study. County staff has engaged in productive staff level discussions with counterparts at the City of Savannah and the Savannah-Chatham Public Schools about the joint procurement of a disparity study and each entity has expressed preliminary interest in sharing the cost of such a study with the County.

Facts and Findings:

1. The County's outside legal counsel has completed a legal review of existing MWBE policies and procedures.
2. The most recent MWBE Program Ordinance was adopted in 1998 and expired in 2003.
3. Counsel has recommended a new disparity study be procured by the County to support the implementation of an MWBE Program that complies with applicable law.
4. To continue to encourage the highest possible levels of inclusion of MWBEs in County purchasing, the County's MWBE Coordinator and consultant and have recommended the adoption of an MWBE Program Policy that would

comply with applicable law until such time as a new disparity study can be completed.

5. The MWBE Program Policy recommended by the County's MWBE Coordinator and consultant allows for the program to be administered in a fashion compliant with applicable law for twenty-four (24) months prior to the completion of a new disparity study.
6. County staff and consultant agree that a 24-month race-neutral period should be sufficient to accommodate the procurement and completion of a new disparity study by a qualified and experienced firm.
7. The new disparity study by a qualified and experienced firm is likely to cost between \$400,000 and \$600,000.
8. County staff and consultant agree that, because the results of such a study would be beneficial to the City of Savannah, Savannah-Chatham Public Schools and Savannah Airport Commission, each of these entities should be formally approached about sharing in the cost of such a study.
9. County staff has had preliminary, staff-level discussions with counterparts within each of the other government entities and has determined that significant support exists for such a cooperative effort.
10. The MWBE Coordinator has designed a program methodology that can, with proper support from the Board of Commissioners and staff, be implemented and successfully result in maximizing equal opportunities for MWBEs to do business with Chatham County while the disparity study is being completed.

Funding:

No funding is required at this time. Staff will present total costs once cost-sharing talks with other local government entities are completed and proposals are received.

Alternatives:

1. Approve the attached MWBE Policy and authorize staff to seek agreement with other interested local government entities to solicit proposals from qualified firms to conduct a new disparity study.
2. Provide staff with other direction.
3. Reject proposal and continue to operate under present conditions.

Policy Analysis:

In order to implement an MWBE Program that meets the stated policy objectives of the Board of Commissioners for an inclusive policy of equal opportunity in County purchasing, while remaining in compliance with applicable law, it is necessary to procure a new disparity study that will serve as the statistical basis for the program. The proposed policy provides a means to operate a program to encourage MWBE participation in County purchasing to the maximum extent possible while simultaneously awaiting the procurement and completion of a disparity study. The proposed Board action also empowers the County staff to seek the maximum possible participation by other local government entities, thereby lessening the cost of such a study for any one entity alone.

Recommendation:

Approve alternative #1.

DRAFT III — FOR DISCUSSION PURPOSES ONLY
September 5, 2006

CHATHAM COUNTY GEORGIA
MINORITY/WOMEN BUSINESS ENTERPRISE
PROCUREMENT POLICY
September 2006

It is the policy of Chatham County to provide minority and women owned business enterprises with ample opportunity, encouragement and assistance in competitively selling goods and services to Chatham County.

This document, when approved by the Board of Commissioners, will become a part of the County Purchasing Policy. It is intended to ensure that all minority and women owned business enterprises have the maximum opportunity to participate competitively in selling services or goods to Chatham County as a prime contractor, subcontractor or vendor.

Section 1
Purpose and Scope

The County is firmly committed to the principles of equal opportunity and in keeping with these principles, hereby sets forth a program and establishes a mechanism for developing, approving, and implementing procedures by which minority and women owned business enterprises (MWBEs) shall be assured equal opportunity to supply goods, general services and construction services required by the County, thereby promoting balanced economic growth throughout Chatham County. The purpose of this policy is to provide for procedures that will ensure that all businesses,

regardless of the race, gender or ethnicity of their owners, have an equal opportunity to do business with Chatham County. This policy applies to contracts for the procurement of commodities, services, and construction products entered into by the County of Chatham after the effective date of this policy.

Section II County Purchasing Ordinance

This policy is intended to supplement the Ordinance establishing the overall policies and procedures for County purchasing and to amend or replace those portions of said Ordinance that address the County's former Equal Opportunity and Affirmative Action Program. In the event that any aspect of this policy is deemed to be in conflict with the County Purchasing Ordinance, the County Purchasing Ordinance shall control.

Section III Equal Business Opportunity

Chatham County does not discriminate against any persons or businesses regardless of race, color, religion, age, sex, national origin, or handicap.

Section IV Minority and Women Business Enterprise Policy

It is the policy of Chatham County to provide MWBEs with the equal opportunity to compete for and participate in selling services or goods to Chatham County as prime contractor, subcontractors or vendors. It is the policy of Chatham County to utilize race and gender neutral methods, to the greatest degree possible, to achieve the County's goals for MWBE participation. It is the policy of the County to emphasize utilizing local MWBEs as prime contractors, subcontractors and vendors. Furthermore, it is the policy of Chatham County to insist that prime contractors on County projects make Good Faith Efforts to utilize MWBEs as subcontractors and vendors.

Section V Policy Implementation

The Chatham County Purchasing Department, under the direction of the County Manager, will have the primary responsibility to assure that the policy set forth herein is effectively and equitably carried out by the County. Other County officials and management personnel are expected to give their full cooperation towards the implementation of the policy. Specific guidelines for the implementation of this policy will be adopted in the Chatham County Minority and Women Business Enterprise Procedures Manual ("MWBE Program Manual"). As set forth in the MWBE Program Manual, the County shall exclusively use aggressive, race and

gender neutral efforts to encourage MWBE participation in County projects for twenty four (24) months from the adoption of this policy, or until such time as the County has completed a valid disparity study as set forth in Section VII hereof.

Section VI

Minority and Women Business Enterprise Program Coordinator

The County shall establish a salaried position for a full-time MWBE Program Coordinator. The MWBE Program Coordinator shall report directly to the Purchasing Director and shall be responsible for the day-to-day implementation of the County's MWBE Policy as set forth herein. The MWBE Program Coordinator shall carry out the responsibilities prescribed in the MWBE Program Manual, including but not limited to the establishment of annual MWBE participation goals or sub-goals for specific projects or classifications of expenditures, as well as such other related duties as the Purchasing Director may choose to assign.

Section VII Disparity Study

The County shall attempt to commission from a qualified professional services provider, a valid study to determine whether there is a statistically significant disparity between the availability and utilization of MWBEs in the Chatham County market area. The County shall make every effort to engage other interested local governments and agencies in the commissioning of such a study in order to share expenses and results. The County will attempt to have such a study completed within twenty four (24) months of the adoption of this policy. In the event that such a study is not commissioned due to cost prohibition, lack of cooperation from other local governments or other such circumstances, the County will continue its aggressive race and gender neutral efforts to encourage MWBE participation in County projects until this policy expires as set forth in Section X hereof.

Section VII Competitive Bids

Nothing in this policy shall be construed to require the County to award a contract or issue a purchase order to other than the lowest responsible bidder or the most qualified proponent or to require contractors to award subcontracts to, or to make material purchases from, MWBEs who do not submit the best overall pricing or are not qualified to provide the required services or products.

Section IX
Policy Regarding State or Federally Funded Projects

Notwithstanding the foregoing, projects utilizing State/Federal funds will be awarded in accordance with all State/Federal rules and regulations.

Section X
Sunset

This policy will expire after five years from the date of formal adoption. During the five years of policy implementation, the County will review all annual reports to measure the effectiveness of this policy in increasing MWBE participation in Chatham County procurement. The program may be extended if, after appropriate analysis and legal review, the County Board of Commissioners determines that the overall MWBE objectives have not yet been obtained or cannot be obtained or sustained in the absence of a formal MWBE Policy.

Section XI
Amendment

The County Board of Commissioners may amend this policy or any of its underlying procedures at any time for any reason.

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6. REQUEST BOARD APPROVAL OF A PLAN TO PROVIDE A PAY ADVANCE TO CRITICAL WORKFORCE EMPLOYEES OF THE PUBLIC WORKS AND PARK SERVICES DEPARTMENT IN THE EVENT OF A PENDING NATURAL DISASTER.

County Manager Abolt said, outgrowth of the Hurricane Conference run by CEMA. We acknowledge that some of our workforce is identified as critical and may not have the immediate financial capacity to relocate their family when they have to stay behind. This allows us to begin something quite unique where a prepaid debit card, not to exceed \$500, could be issued to them. They would pay it back. If they don't pay it back, it comes out of their payroll deduction. We think it's an acceptable risk to take. It will take care of those employees we depend upon that have enough to worry about without having to concern about where their families are going.

Chairman Liakakis said, okay, we need a motion on the floor. Commissioner Gellatly said, motion. Commissioner Odell said, second. Chairman Liakakis said, it's been motioned and seconded. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.] Chairman Liakakis said, the motion carries.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve a plan to provide a pay advance to critical workforce employees of the Public Works and Park Services Department in the event of a pending natural disaster in an amount not to exceed \$500. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

AGENDA ITEM: IX-6**AGENDA DATE: September 8, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** Robert W. Drewry, Director of Public Works and Park Services
Linda Cramer, Finance Director
Michael A. Kaigler, Director of Human Resources and Services

Issue: Request Board approval of a plan to provide a pay advance to Critical Workforce employees of the Public Works and Park Services Department in the event of a pending natural disaster.

Background: Critical Workforce employees are expected to work response and recovery during and after an emergency such as a hurricane. The County is asking them to leave their families and report to work. They should not have to be worried about their families during a mandatory evacuation. Unfortunately, many members of the Critical Workforce may not have the financial resources readily available to care for them during the evacuation period.

Facts and Findings:

1. The Public Works and Park Services Department has pre-identified 50 employees on the Critical Workforce. In the situation of an impending hurricane, these employees will be staged at either Hunter Army Airfield or Effingham County High School. They all know that if they fail to respond to an emergency, their employment will be terminated.
2. Staff has developed a plan to ease the stress and financial strain to the immediate family of a member of the Critical Workforce. The County could make available a pre-paid debit card to those who want it in the amount of \$500. The debit card would be a pay advance to the employee for use by the immediate family to cover the immediate cost of evacuation for items such as fuel, hotels, and/or food. The cards could be used at ATM machines or vendor establishments. The employee would be responsible for using up the cash balance on the card and after 6 months a service charge would be deducted from the card balance.

3. The parameters of the plan are as follows:
 - a. Publish a pre-identified list of the employees on the Critical Workforce.
 - b. Prior to the threat of a hurricane, any employee wishes to take advantage of the pay advance must sign an agreement with the County that outlines the intended use of the pay advance and a re-payment plan.
 - c. The pay advance would be distributed only if an evacuation has been declared.
 - d. When the debit card is issued, the employee must sign an acknowledgment of receipt of the card.
 - e. The pay advance would initiate a payroll deduction (minimum amount of \$20) while they are employed with Chatham County until paid in full.
4. If an employee should leave the employment of the County, the balance would be due from any terminal pay (accrued sick and/or annual leave or any pension benefit due the employee).

Funding: The initial funds for the issuance of the pay advance would come from the departmental Salaries and Wages line item of the operating budget but would be reimbursed by the employee through a payroll deduction.

Policy Statement: This plan would demonstrate the importance of the employee to this organization especially as a member of the Critical Workforce.

Alternatives:

1. Board approval of a plan to provide a pay advance to Critical Workforce employees of the Public Works and Park Services Department in the event of a pending natural disaster as outlined in the staff report.
2. Board not to approve plan as outlined but provide staff with other direction.

Recommendations: Board approve Alternative #1.

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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, Items 2 through 12 and under 12, Items A through N are on the board. Any discussion on any of these particular items. Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, Mr. Chairman, I just wanted clarification on Item #6 that this does not — that this effects property from Paxton Street to Ferguson Avenue and not in front of the school.

Chairman Liakakis said, okay, we have Item 6 is being held out. Any others?

Commissioner Odell said, I make a motion we approve the balance of the calendar, Items 2, exception of 6, exception of 12-A —. Commissioner Gellatly said, second. Commissioner Stone said, I'm not asking for it to be removed. I just wanted to make sure that that was clarified. Commissioner Odell said, okay. Commissioner Odell said, then I amend it to include 6 and pulling 12-A and N, is it Mr. Chairman? Chairman Liakakis said, contract to extend Dean Forest Road. I don't think that's —. Commissioner Kicklighter said, we didn't pull that out. Commissioner Odell said, didn't pull N. Okay, then that's excluded.

Chairman Liakakis asked, so you just want to pull out A? Commissioner Odell said, just pull out 12-A. Chairman Liakakis said, okay, we have a motion on the floor and a second for these items. Let's go on the board.

ACTION OF THE BOARD:

Commissioner Odell moved to approve Items 2 through 12-N, except 12-A. Commissioner Gellatly seconded the motion and it carried unanimously.

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[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 REGULAR MEETING OF AUGUST 25, 2006, AS MAILED.

Chairman Liakakis said, on Item 1 you've just received the minutes from the last meeting. They were not distributed before, so we'd like instead of approving these minutes today, because you've just received them, we need to make a motion to pass that on the approval of the minutes to the next meeting. Do we have a motion on the floor?

Commissioner Stone said, so moved, Mr. Chairman. Commissioner Holmes said, second.

Chairman Liakakis said, we have a motion on the floor. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commission Stone moved to table to the next regular meeting the approval of the minutes of the regular meeting of August 25, 2006. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD AUGUST 17 THROUGH AUGUST 30, 2006.

ACTION OF THE BOARD:

Commissioner Odell moved to authorize the Finance Director to pay the claims against the County for the period August 17, 2006, through August 30, 2006, in the amount of \$7,812,869. Commissioner Thomas seconded the motion and it carried unanimously.

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**3. REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, BOUY BROTHERS BUILDERS, FOR THE COUNTY TO END THE WARRANTY PERIOD FOR VILLAGE AT AUTUMN LAKE, PHASE 1, AND RELEASE THE FINANCIAL GUARANTEE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from Thomas & Hutton, engineer for the developer, Bouy Brothers Builders, for the County to end the warranty period for Village at Autumn Lake, Phase 1, and release the financial guarantee. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-3
AGENDA DATE: September 8, 2006

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: A.R. Black, P.E., Assistant County Engineer

ISSUE: To end the warranty period for Village at Autumn Lake, Phase 1, and release the financial guarantee.

BACKGROUND: The engineer, Thomas & Hutton, for the developer, Bouy Brothers Builders, requests that the County end the warranty period and release the financial guarantee.

FACTS AND FINDINGS:

1. Village at Autumn Lake is a single-family residential subdivision located within the Berwick Plantation development on Highway 17. This phase of Village of Autumn Lake consists of 49 lots on 23.2 acres. The water and sewer is maintained by Consolidated Utilities, Inc. The paving and drainage will be privately maintained by the Village of Autumn Lake Homeowner's Association.
2. Construction of the required improvements is complete. The improvements have been inspected and found to be satisfactory.
3. The warranty period was initiated on May 14, 2004.
4. The developer submitted a letter of credit issued by National Bank of Commerce in the amount of \$284,574.10 and now requests that the letter of credit be released.

ALTERNATIVES:

1. To end the warranty period and release the financial guarantee.
2. Do not approve the request.

POLICY ANALYSIS: This action is consistent with the subdivision regulation regarding the bonding of required improvements.

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 7

PREPARED BY: Suzanne Cooler

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- 4. REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, BOUY BROTHERS BUILDERS, FOR THE COUNTY TO END THE WARRANTY PERIOD FOR COTTAGES AT AUTUMN LAKE, PHASE 1, AND RELEASE THE FINANCIAL GUARANTEE.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from Thomas & Hutton, engineer for the developer, Bouy Brothers Builders, for the County to end the warranty period for Cottages at Autumn Lake, Phase 1, and release the financial guarantee. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-4**DATE: September 8, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** A.R. Black, P.E., Assistant County Engineer

ISSUE: To end the warranty period for Cottages at Autumn Lake, Phase 1, and release the financial guarantee.

BACKGROUND: The engineer, Thomas & Hutton, for the developer, Bouy Brothers Builders, requests that the County end the warranty period and release the financial guarantee.

FACTS AND FINDINGS:

1. The Cottages at Autumn Lake is a private, townhome community located within Berwick Plantation. This phase of The Cottages at Autumn Lake consists of 37 lots on 15.34 acres. The paving and drainage will be privately maintained. The water and sewer improvements are maintained by Consolidated Utilities, Inc.
2. Construction of the required improvements is complete. The improvements have been inspected and found to be satisfactory.
3. The warranty period was initiated on November 19, 2004.
4. A maintenance bond secured by National Bank and Commerce was posted to guarantee the twelve month warranty period, and now the developer requests the bond be released.

ALTERNATIVES:

1. To end the warranty period and release the financial guarantee.
2. Do not approve the request.

POLICY ANALYSIS: This action is consistent with the subdivision regulation regarding the bonding of required improvements.

RECOMMENDATION: That the Commissioners adopt Alternative No. 1.

District 7

PREPARED BY: Suzanne Cooler

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**5. REQUEST FROM DAVIS ENGINEERING, ENGINEER FOR THE DEVELOPER, H & L DEVELOPERS, FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR CEDAR WALK, PHASE 1, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND CREATE A NEW STREETLIGHT ASSESSMENT RATE DISTRICT WITH THE RECORDING OF THE PLAT.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from Davis Engineering, engineer for the developer, H & L Walk, Phase 1, accept the subdivision agreement and financial guarantee and create a new streetlight assessment rate district with the recording of the plat. Commissioner Gellatly seconded the motion and it carried unanimously.

**AGENDA ITEM: X-5
AGENDA DATE: September 8, 2006**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: A.R. Black, P.E., Assistant County Engineer

ISSUE: To record the subdivision plat for Cedar Walk, Phase 1, accept the subdivision agreement and financial guarantee, and create a new streetlight assessment rate district with the recording of the plat.

BACKGROUND: The engineer, Davis Engineering, for the developer, H & L Developers, requests that the County approve the final plat for recording, accept the subdivision agreement and financial guarantee, and create a new streetlight assessment rate district with the recording of the plat.

FACTS AND FINDINGS:

1. Cedar Walk, Phase 1 is located on Burton Road. This phase consists of 22 lots on 5.38 acres. Water and Sanitary Sewer service will be maintained by

Consolidated Utilities. Paving and drainage improvements will be maintained by the Cedar Walk Homeowners Association.

- 2. Staff approved construction plans and issued a development permit. Construction of the improvements is underway.
- 3. The developer has submitted a letter of credit issued by Colony Bank in the amount of \$226, 458.25, which is 100% of the cost of improvements.
- 4. This phase will provide 7 new poles and 7 new 150 watt roadway lights. The estimated annual cost for the lighting is \$910.56. The initial annual streetlight assessment rate will be \$56.00 per lot.
- 5. An Environmental Site Assessment was conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on this site.

ALTERNATIVES:

- 1. To approve the recording of the subdivision plat for Cedar Walk, Phase 1, accept the subdivision agreement and financial guarantee, and create a new streetlight assessment rate district with the recording of the plat.
- 2. Do not approve the request.

POLICY ANALYSIS: This action is consistent with the subdivision regulation regarding the creation of lots through plat recording.

RECOMMENDATION: That the Commissioners adopt Alternative 1.

District: 7

Prepared by: Nathaniel Panther

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**6. REQUEST BOARD AUTHORIZE STAFF TO REQUEST A COUNTY CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE SKIDAWAY ROAD ROADWAY SHOULDER AND DRAINAGE IMPROVEMENTS PROJECT.
[DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Odell moved to authorize staff to request a County contract with the Georgia Department of Transportation to construct the Skidaway Road Roadway Shoulder and Drainage Improvements Project. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-6**AGENDA DATE: September 8, 2006****TO:** Board of Commissioners**THRU:** R. E. Abolt, County Manager**FROM:** A. G. Bungard, P.E., County Engineer

ISSUE: That the Board authorize staff to request a County Contract with the Georgia Department of Transportation (GDOT) to construct the Skidaway Road roadway shoulder and drainage improvements project, and authorize the Chairman, County Clerk, County Engineer and County Attorney to sign all the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, the Right-of-Way Certification, and the County Contract.

BACKGROUND: Paving of dirt roads in Unincorporated Chatham County is part of the 2003-2008 SPLOST Unincorporated County Roads Program. The purpose of the Skidaway Road project is to correct the inadequate roadway shoulder conditions along the west bound traffic lane of Skidaway Road, across from the main Wormsloe Historic Site property.

FACTS AND FINDINGS:

1. The GDOT has agreed to partially fund the cost of constructing the improvement project. The balance of the funding will be provided by Chatham County. As with all County Contracts with the GDOT, the Department will reimburse the County for its participation upon satisfactory completion of the contract.
2. The project is in close proximity to the Wormsloe Historic Site, and infringes on lands protected by Georgia's Coastal Marshland Protection Act. The County has attempted to devise an improvement project that satisfies the administrative objectives of the historic site and the marshland protection act, both of which are at odds on an appropriate solution. Involving GDOT on the project will help to manage the differences and find common acceptance of a solution.

ALTERNATIVES:

1. That the Board authorize staff to request a County Contract with the Georgia Department of Transportation (GDOT) to construct the Skidaway Road roadway shoulder and drainage improvements project, and authorize the Chairman, County Clerk, County Engineer and County Attorney to sign all the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, the Right-of-Way Certification, and the County Contract.
2. That the Board not authorize the request for the County Contract.

FUNDING: No funds are required to request the County Contract.

POLICY ANALYSIS: That the Board authorize intergovernmental and interagency agreements.

RECOMMENDATION: That the Board approve Alternative No. 1.

District 1

Prepared by W.C. Uhl

=====

**7. REQUEST BOARD APPROVAL OF DEVELOPMENT AGREEMENT WITH GREEN WAY DEVELOPERS, INC., FOR COTTONVALE PLANTATION, PHASE IV.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Odell moved to approve the Development Agreement with Green Way Developers, Inc., for Cottonvale Plantation, Phase IV. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-7

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

ISSUE

Approval of Development Agreement with Green Way Developers, Inc. for Cottonvale Plantation, Phase IV.

BACKGROUND

Green Way Developers, Inc. ("Developer") is in the process of developing Cottonvale Plantation, Phases III and IV ("Subdivision"). The Developer obtained its sewer and water services for the Subdivision from Consolidated Utilities, Inc. ("Consolidated") Consolidated is in the process of making repairs to its sewage treatment facilities which will delay service to the Subdivision for three to six months.

The Developer has requested that the County issue a development permit so that it can proceed with the development of the Subdivision during the time that Consolidated is making repairs to its sewage treatment facilities.

On June 23, 2006, the Board of Commissioners approved the above Development Agreement for Phase III Cottonvale Plantation. Although unintentional, this Agreement did not include Phase IV of this project.

FINDINGS OF FACT

1. The Developer for Cottonvale Plantation, Phases III and IV obtains its sewer and water services for the Subdivision from Consolidated is in the process of making repairs to its sewage treatment facilities which will delay service to the Subdivision for three to six months.

2. The Developer has requested that the County issue a development permit so that it can proceed with the development of the Subdivision during the time that Consolidated is making repairs to its sewage treatment facilities.

3. The Development Agreement protects the County by not allowing the Developer to submit the Subdivision for final approval and recording, not applying for a building permit and not conveying any portion of the Subdivision, until Consolidated has completed its repairs and received all applicable approvals for providing water and sewer services. The Development Agreement also holds the County harmless.

4. It should be noted that the Development Agreement was approved by the Board of Commissioners during their June 23, 2006 meeting; however, the Agreement submitted for approval unintentionally stated the project as being for Phase III only. It should have stated Phases III and IV.

FUNDING

Not applicable

ALTERNATIVES

1. Approve Development Agreement with Green Way Developers, Inc. for Cottonvale Plantation, Phases III and IV.

2. Do not approve Development Agreement with Green Way Developers, Inc. for Cottonvale Plantation, Phases III and IV.

POLICY ANALYSIS

The approval of the Development Agreement will allow the Developer to continue with developing the Subdivision and protects the County.

RECOMMENDATION

Alternative 1.

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8. REQUEST BOARD DECLARE AS SURPLUS VACANT LOTS AT 9 REINHARD AVENUE AND 0 LAMAR AVENUE IN THE CITY OF SAVANNAH AND AUTHORIZE CONVEYING THE COUNTY’S INTEREST HELD BY TAX DEED IN THE PROPERTIES TO THE LAND BANK AUTHORITY AND THE CITY OF SAVANNAH.

[DISTRICT 8 (REINHARD AVENUE AND LAMAR AVENUE).]

ACTION OF THE BOARD:

Commissioner Odell moved to declare surplus vacant lots at 9 Reinhard Avenue (PIN 2-0047-09-001), estimated at 30 feet by 100 feet and described as “Lot 9, Sub Lot 34, Gibbons Ward,” and 0 Lamar Avenue(PIN 2-0140-09-001), estimated at 40 feet by 100 feet and described as “Lot 1, Block L, Rowland & Howard Subdivision, DeWitt Ward,” located in the City of Savannah, and authorize conveying the County’s interest held by tax deed in the properties to the Land Bank Authority and the City of Savannah. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-8

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To declare as surplus vacant lots at 9 Reinhard Avenue and 0 Lamar Avenue in the City of Savannah and authorize conveying the county’s interest held by tax deed in the properties to the Land Bank Authority and the City of Savannah.

BACKGROUND:

The City of Savannah has requested Chatham County convey its interest in 9 Reinhard Avenue. The Land Bank Authority has requested Chatham County convey its interest in 0 Lamar Avenue to clear title. In both instances, Chatham County holds legal interest by tax deeds. Each government would assume responsibility for clearing title.

FACTS & FINDINGS:

1. The properties of interest are:
 - 1a. PIN 2-0140-09-001 with a legal description as "Lot 1, Block L, Rowland & Howard Subdivision, DeWitt Ward." The address is 0 Lamar Avenue (corner of Lamar and Dixon Street), a vacant lot estimated at 40 feet by 100 feet. The City of Savannah holds legal interest, too, and the County's quit claim would allow the City to obtain marketable title. The property would be conveyed to the Land Bank Authority.
 - 1b. PIN 2-0047-09-001 with a legal description as "Lot 9, Sub Lot 34, Gibbons Ward." The address is 9 Reinhard Avenue, a vacant lot estimated at 30 feet by 100 feet. The lot would be conveyed to the City of Savannah and become part of the City's "Operation Clean Sweep."
2. Both properties would be redeveloped and become privately-owned homes for low and moderate income families.
3. Chatham County holds interest in the properties through a tax deed. While not marketable title, a tax deed can be used as an entry to acquire ownership. Habitat for Humanity acknowledges the steps which will be necessary to clear title on the properties.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board approve conveying its interest in PIN 2-0047-09-001 (Reinhard Avenue) to the City of Savannah and PIN 2-0140-09-001 (0 Lamar Avenue) to the Land Bank Authority.
2. That the Board not convey the properties described above and require the properties to proceed through an in rem foreclosure process, or direct staff to offer them for public sale.
3. That the Board not take any action on the properties described above.

POLICY ANALYSIS:

Under Georgia law (O.C.G.A. 36-9-3 et. al), Chatham County must follow certain procedures in the disposition of any public interest held in property. However, the

Georgia Constitution authorizes that conveyances between two governments can be handled without the usual requirements of a public sale or notice.

RECOMMENDATION:

That the Board adopt Alternative 1.

District 8 (Reinhard Avenue and Lamar Avenue)

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**9. REQUEST BOARD APPROVAL TO ASSIGN CHATHAM COUNTY’S LEASE FOR THE WAVING GIRL LANDING TO CHATHAM AREA TRANSIT AUTHORITY.
[DISTRICT 3.]**

ACTION OF THE BOARD:

Commissioner Odell moved to assign the Marine Bulkhead Lease Agreement for the Waving Girl Landing to Chatham Area Transit Authority. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-9
AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager

ISSUE:

To assign Chatham County’s lease for the Waving Girl Landing to Chatham Area Transit Authority (CAT).

BACKGROUND:

Chatham Area Transit will be assuming oversight, monitoring, cleanliness and maintenance of landings (public boarding) for the *Savannah Belles* Water Ferry System through a proposed Letter of Agreement. Since Chatham County holds rights to the Waving Girl Landing on east River Street through a *Marine Bulkhead Lease*, this agreement can be assigned to CAT.

FACTS & FINDINGS:

1. In April 2001, Chatham County and Savannah Electric & Power Company executed a *Marine Bulkhead Lease Agreement* for the area where Chatham County constructed the Waving Girl Landing at Morrell Park on East River Street.
2. Paragraph 6 of the Agreement allows Chatham County to assign the lease to a public corporation or authority. This provision was included in anticipation that the agreement would be assigned to the operator of the water ferry system.

FUNDING:

Not applicable.

ALTERNATIVES:

1. That the Board approve assigning the *Marine Bulkhead Lease Agreement* for Waving Girl Landing to CAT.
2. That the Board not approve assigning the *Marine Bulkhead Lease Agreement* for Waving Girl Landing to CAT.

POLICY ANALYSIS:

By the terms of the lease, Chatham County can assign its rights and responsibilities under lease to another government.

RECOMMENDATION:

That the Board adopt Alternative 1.

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- 10. REQUEST BOARD APPROVAL OF QUITCLAIM DEED BEING ISSUED TO CORRECT THE BREAK IN THE TITLE DUE TO THE ABSENCE OF A RECORDED QUITCLAIM DEED AT THE TIME OF ACTUAL REDEMPTION:
JAMES S. MURRAY PIN 10593-10012 N/K/A 20593-10012 \$24.31**

ACTION OF THE BOARD:

Commissioner Odell moved to authorize the Chairman to execute a quitclaim deed to correct a break in the title due to the absence of a recorded quitclaim deed at time of actual redemption of Lot 14, Block H, South Ward, Whatley Sub Southover, 0 Fayette Street, to James S. Murray, PIN 10593-10012 n/k/a 20593-10012, in the amount of \$24.31. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-10

AGENDA DATE: September 8, 2006

Date: August 29, 2006

To: Board of Commissioners

Thru: R. E. Abolt, County Manager

From: Beth R. Lewis, Assistant Delinquent Tax Administrator, Tax Commissioner's Office

Issue: Request for the approval by Commissioners of the attached Quitclaim deed at the next meeting of the Commissioners scheduled for September 8th, 2006

This deed is being issued to correct the break in the title due to the absence of a recorded Quitclaim Deed at the time of actual redemption.

<u>Name</u>	<u>PIN#</u>	<u>Amount</u>
James S. Murray	10593-10012 n/k/a 20593-10012	\$24.31

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- 11. REQUEST FROM THE TAX COMMISSIONER'S OFFICE FOR BOARD APPROVAL TO WRITE OFF UNCOLLECTIBLE PERSONAL PROPERTY TAXES FOR THE PERIOD 1999 THROUGH 2006, WITH AN ADDITIONAL REQUEST THAT THE COMMISSION INSTRUCT THE BOARD OF ASSESSORS NOT TO CREATE A 2007 ASSESSMENT AND/OR ANY SUBSEQUENT ASSESSMENT OF THE SAME PROPERTIES.**

ACTION OF THE BOARD:

Commissioner Odell moved to approve a request from the Tax Commissioner's Office to write off uncollectible personal property taxes for the period 1999 through 2006 in the amount of \$23,875.02. Commissioner Gellatly seconded the motion and it carried unanimously.

AGENDA ITEM: X-11

AGENDA DATE: September 8, 2006

TO: Board of County Commissioners
 THROUGH: Russell Abolt, County Manager
 THROUGH: Daniel T. Powers, Tax Commissioner
 FROM: Theresa C. Harrelson, Special Projects Accountant

ISSUE:

To present a request to the Board for the Tax Commissioner’s Office to write off uncollectible Personal Property taxes for the period 1999 through 2006. With an additional request for them to instruct the Board of Assessor’s not to create a 2007 assessment and /or any subsequent assessment of the same properties.

BACKGROUND:

During the period 1999 through 2006 numerous personal property tax accounts on the County’s Tax Digest remain uncollected. These accounts are uncollectible for many reasons such as the owner(s) cannot be located; the owner(s) have moved; the owner(s) are deceased; the business is no longer in operation or has no assets or a bankruptcy judgement has paid less than 100 cents on the dollar. Therefore, the balance outstanding in these accounts cannot be collected.

The amount of uncollectible personal property taxes determined thus far for the period of 1999 through 2006 total \$ 23,875.02 that consists of 233 accounts and 389 receipts years as summarized:

<u>Tax Year</u>	<u>Total Tax Due</u>	<u>County Portion</u>
1999	\$ 2,265.78	\$ 846.59
2000	\$ 3,855.26	\$1,424.35
2001	\$ 3,266.61	\$1,213.87
2002	\$ 3,916.68	\$1,499.86
2003	\$ 2,338.00	\$ 890.94
2004	\$ 4,156.71	\$1,634.83
2005	\$ 4,075.98	\$1,607.77
2006	\$ 0.00	\$ 0.00
TOTAL	\$23,875.02	\$9,118.21

FACTS AND FINDINGS:

(1) When yearly audits are performed by both External and State Auditors, as well as periodical audits by Internal Auditors, it has been their recommendation to write off these uncollectible accounts.

(2) A copy of the schedule listing all the accounts is attached.

ALTERNATIVES:

(1) Approve the Tax Commissioner’s request to write off these uncollectible accounts

(2) Do not approve the Tax Commissioner’s request.

POLICY ANALYSIS:

By writing off these uncollectible personal property accounts the County will be working with an accurate Tax Digest and valid delinquent accounts receivable records.

RECOMMENDATIONS:

That the Board approve Alternative 1.

E&R* Summary Sheet
Lists 31-A to 32-A

	<u>Total Tax Due</u>	<u>County Portion</u>
<u>1999</u>	\$2,265.78	(\$846.59)
<u>2000</u>	\$3,855.26	(\$1,424.35)
<u>2001</u>	\$3,266.61	(\$1,213.87)
<u>2002</u>	\$3,916.68	(\$1,499.86)
<u>2003</u>	\$2,338.00	(\$890.94)
<u>2004</u>	\$4,156.71	(\$1,634.83)
<u>2005</u>	\$4,075.98	(\$1,607.77)
<u>2006</u>	\$ 0.00	(\$ 0.00)
Total	\$23,875.02	(\$9,118.21)

E&R* Percentage Summary
 Lists 31-A through 32-A
 Total Accounts -233

Assessors: (Assessor's error or refusal to remove from digest)	66	28%
Deceased:	07	03%
Unable to Locate:	15	06%
Uncollectible (Incorporated)	13	06%
Uncollectible:	03	02%
Bankruptcy:	00	00%
Presentation of Small Balances	129	55%
Total:	233	100%

*E&R = Error and Release

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12. 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. Change Order No. 8 to the annual contract to provide monthly pest control services to the various facilities to add to scope of service the paint shop, sign shop and administrative shop related office	Public Works and Park Services	Ideal Pest Control Services	\$35 month	SSD - Public Works

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
B. Engineering services contract to address issues related to permitting of the Pipemakers Canal Widening, Phase 2 Drainage Improvements	SPLOST	EMC Engineering Services, Inc.	\$20,000	SPLOST (1998-2003) - Drainage, Pipemakers Project
C. Engineering services contract for the Hardin Canal, Southbridge Golf Course Bridge Replacement project	SPLOST	Thomas & Hutton Engineering, Inc.	\$70,400	SPLOST (1998-2003) - Hardin Canal Project
D. Change Order No. 4 to the contract for the Pipemakers Canal Widening Project for costs related to the extended time of service during construction	SPLOST	EMC Engineering Services, Inc.	\$47,000	SPLOST (1998-2003) - Drainage, Pipemakers Project
E. Contract for construction of the relocation of level transducer at Pipemakers Canal	SPLOST	E & D Contracting Services, Inc. (WBE)	\$50,255	SPLOST (1998-2003) - Pipemakers Canal Project
F. Deductive Summary Change Order No. 20 to the contract for hydraulic analysis for various drainage basins and subsequent engineering design and project management for the Pipemakers Canal Widening project	SPLOST	EMC Engineering Services, Inc.	(\$62,447)	No additional funds are required

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
G. Remove paint and repaint the recently purchased airplane	Mosquito Control	Silver Star Aircraft Painting, Inc.	\$17,200	General Fund/M&O - Mosquito Control
H. One (1) used non-typical replacement vehicle	CNT	Fairway Lincoln Mercury	\$17,325	CIP - CNT Vehicle
I. One (1) model year 2007 Crown Victoria Police sedan	Coroner	J.C. Lewis Ford	\$19,854	General Fund/M&O - Coroner
J. Confirmation of emergency adjunct yard waste processing at the Wilmington Island Drop-Off Center	Solid Waste	Kelley's Clearing and Grinding, Inc.	Not to exceed \$45,000	Solid Waste
K. Change Order No. 2 to the engineering services contract for the design for improvements to unpaved roads for additional services	SPLOST	McGee Partners, Inc.	\$92,900	SPLOST (2003-2008) - Reserve - Unincorporated County Roads Project
L. Professional services contract for the design and engineering of the Animal Control Shelter	Animal Control	Lott + Barber Architects	\$95,000	DSA Series 2005 Bonds
M. 124 heavy duty plastic wall lockers	Aquatic Center	Handling Innovations	\$18,382	CIP - Aquatic Center (pending Board approval of contingency transfer)
N. Contract to extend Dean Forest Road from U.S. 17 to Veterans Parkway	SPLOST	McGee Partners	\$566,396	SPLOST (2003-2008) - Dean Forest Road Extension

As to Item 12-A:

Change Order No. 8 to the annual contract to provide monthly pest control services to the various facilities to add to scope of service the paint shop, sign shop and administrative

shop related office; Public Works and Park Services; Ideal Pest Control Services; \$35 month; SSD - Public Works.

Chairman Liakakis asked, comment? Who wanted to comment on that now? Commissioner Odell said, I didn't. Chairman Liakakis said, well, okay. So let's —.

Commissioner Odell said, move for approval. Commissioner Gellatly said, second.

Chairman Liakakis said, we have a motion to approve Item 12-A and it's been seconded. Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.] Chairman Liakakis said, the motion passes.

As to Items 12-B through 12-N:

Commissioner Odell moved to approve Items 12-B through 12-N, both inclusive. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

ACTION OF THE BOARD:

(a) Commissioner Odell moved to approve Item 12-A. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

(b) Commissioner Odell moved to approve Items 12-B through 12-N, both inclusive. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

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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.
On first reading, presentation by MPC staff and discussion only by Commissioners will be heard.
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.

None.

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XII. SECOND READINGS

- 1. THE PETITIONER, ROY PATEL, RYAN THOMPSON, AGENT (FOR QUACCO LAND INVESTMENTS, OWNER) IS REQUESTING THE REZONING OF 701 QUACCO ROAD FROM AN R-A (RESIDENTIAL AGRICULTURE) ZONING CLASSIFICATION TO A PUD-M12 (PLANNED UNIT DEVELOPMENT MULTI-FAMILY RESIDENTIAL 12 UNITS PER GROSS ACRE) ZONING CLASSIFICATION. THE MPC RECOMMENDS APPROVAL TO REZONE THE PROPERTY FROM AN R-A (RESIDENTIAL AGRICULTURE) TO A PUD M-12 (PLANNED UNIT DEVELOPMENT MULTI FAMILY-12 UNITS PER GROSS ACRE AND APPROVAL TO CHANGE THE CHATHAM COUNTY FUTURE LAND USE PLAN FROM SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY SEMI-ATTACHED AND MULTI-FAMILY RESIDENTIAL.
MPC FILE NO. Z-060516-56325-1
[DISTRICT 7.]**

Commissioner Kicklighter said, Mr. Chairman, I'll ask if you don't mind, since that's in my district, if there's anyone out there that opposes this? If not, I make a motion to approve. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion on the floor to approve. Any other discussion? Let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

Commissioner Kicklighter said, thank you, sir. I'm sorry you sat here all that time.

Chairman Liakakis said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the petition of Roy Patel, Ryan Thompson, Agent (for Quacco Land Investments, Owner), requesting the rezoning of 701 Quacco Road from an R-A (Residential-Agriculture) zoning classification to a PUD —12 (Planned Unit Development Multi-Family – 12 units per gross acre) zoning classification and approval to change the Chatham County Future Land Use Plan from Single Family Residential to Single Family Semi-Attached and Multi-Family Residential. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Farrell were not present when this vote was taken.]

**Petition of Ryan Thompson, Agent
Quacco Land Investments, LLC, Owner
MPC File No. Z-060516-56325-1**

MPC recommends that the following described property be rezoned from its present R-A (Residential Agriculture) zoning classification to a PUD M-12 (Planned Unit Development Multi-Family - 12 units per gross acre) and to change the Chatham County Future Land Use Plan from Single Family Residential to Single Family Semi-Attached and Multi-Family Residential.

LEGAL DESCRIPTION

Beginning at a point located on the centerline of Quacco road approximately 190 feet north of its intersection with the centerline of Laurel Green Court; thence proceeding in a southwesterly direction along a line South 48 degrees 36 minutes West a distance of approximately 1765 feet to a point, thence northwesterly along a line North 44 degrees 28 minutes West a distance of approximately 2260 feet to a point, thence northeasterly along a line North 48 degrees 23 minutes East a distance of approximately 1913 feet to a point on the centerline of Quacco Road, thence southerly along the centerline of Quacco Road to the point of beginning.

The property is further identified by Property Identification Number as follows:

P.I.N: 1-1007-01-002

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XIII. INFORMATION ITEMS

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

ACTION OF THE BOARD:

An information status report was attached for review.

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

ACTION OF THE BOARD:

An information status report was attached for review.

AGENDA ITEM: XIII-2

DATE: September 8, 2006

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>
Annual contract for chemical treatment and service for the Old Courthouse and the Judicial Courthouse	Facilities Maintenance and Operations	ANCO	\$7,027.48	General Fund/M&O - Facilities Maintenance and Operations
Annual contract for fire alarm testing at the Judicial Courthouse	Facilities Maintenance and Operations	Southeastern System Technologies	\$4,918	General Fund/M&O - Facilities Maintenance and Operations
Fill dirt	Public Works and Park Services	Landyard Development, Inc.	\$5,000	SSD - Public Works
Miscellaneous grinder repair parts	Solid Waste	Don Burgess, LLC	\$4,858	Solid Waste
Trouble shoot fire alarm system for lightning damage	Mosquito Control	Simplex Grinnell	\$2,742	General Fund/M&O - Mosquito Control
Purchase and installation of flooring for Elections Board	Elections Board	A & R Flooring	\$8,365	Bond Fund - Government Building
Emergency repair to two fixed wing hanger bi-fold doors	Mosquito Control	Mascal Jon/SCL, Inc.	\$4,662	General Fund/M&O - Mosquito Control
Band to perform at Conservation Festival	Solid Waste	Lewis Jeffrey Pike	\$2,500	Solid Waste
Various herbicides and chemicals	Water and Sewer	Red River Specialties, Inc.	\$3,049	Water and Sewer
Software license for work order processing	Public Works and Park Services	Cartegraph Systems, Inc.	\$9,504	SSD - Public Works

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3. ROADS AND DRAINAGE REPORTS.

ACTION OF THE BOARD:

Information status reports were attached for review.

AGENDA ITEM: XIII-3 Roads

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Allan R. Black, P.E., Assistant County Engineer

ISSUE: To provide information on the status of Chatham County road projects.

BACKGROUND: The schedules for construction are dictated by GDOT allocations of funds among the Congressional districts and the balancing of funds in the Chatham Urban Transportation Study (CUTS) Transportation Improvement Program (TIP). The current Long Range Transportation Plan (LRTP) was approved by the CUTS Policy Committee on June 22, 2005. The new TIP was approved on June 28, 2006. Key milestone events are summarized in the attached table.

FACTS AND FINDING:

1. Truman Parkway, Phase 5. Right of way (ROW) plans were approved on June 30, 2005. The acquisition process has started and will take until mid-2007 to complete (26 parcels acquired by early acquisition; 65 parcels to acquire). Design is underway.

2. US 17, Ogeechee River to SR 204: The GDOT awarded a new contract to complete the project. Work is underway. The completion date has been established for March 2007.

3. Middleground Road/Montgomery Cross Road Widening. Construction by APAC has now resumed. The GDOT approved a change order with APAC to continue work, setting a new completion date of May 31, 2008.

4. Stephenson Avenue. Substantially complete as of April 1, 2005. Liquidated damages totaling \$54,450 were assessed from December 1, 2004 to March 31, 2005. GDOT, County, City of Savannah and APAC performed the joint final inspection on June 14, 2005. A punch list was compiled (129 items) and given to APAC on June 21, 2005. Some punch list items remain to be corrected. A water

valve manhole under the pavement at Forest Park Drive and Stephenson Avenue needs to be raised. A fence adjacent to the West Side Rental Company needed to be re-erected. After APAC failed to respond to many request from the County and GDOT to re-erect the fence, staff obtained prices from several fence contractors and had the fence constructed. APAC was notified by letter that the City of Savannah wanted to make a final inspection on the storm water system when their subcontractor (Dixie Excavating) says all corrective work is complete. Due to the lack of response from APAC, staff coordinated with the City of Savannah to do a final inspection on the new storm water system on August 3, 2006. When the inspection started, it was found that the heavy grate inlets would require a front end loader to lift them and traffic control would also be required. The inspection was suspended and will be rescheduled. The City of Savannah cleaned the storm piping of debris on August 28, 2006. Billy Jones, City of Savannah Facilities Maintenance Director, advised that the City will schedule televising the lines the first week in September weather permitting. All sanitary sewer work has been accepted by the City of Savannah. APAC is now handling project close-out through their attorneys.

5. Whitfield Avenue Widening. The FHWA approved the EA on February 13, 2004. Preliminary design was completed in June, 2004. Staff was advised in January, 2005, however, that the widening of the median for landscaping and the proposed reduction in speed limit would require amending the previously approved Concept Report and Environmental Assessment. The wider median with landscaping causes four additional residential displacements and increases GDOT's ROW acquisition costs. The revised Concept Report was submitted to GDOT on July 6, 2005. A Public Information Open House (PIOH) was held on February 28, 2006. The comment period for the PIOH ended March 14, 2006. As a result of a meeting with the GDOT Project Manager on May 2, 2006, the GDOT provided (by email) written guidance as to an acceptable minimum landscaped median width (not less than 40 feet) and a design speed (45 mph). The consultant received additional comments from GDOT on July 19, 2006, and responded on August 17, 2006.

6. Diamond Causeway Widening. The Draft EA was approved by the FHWA on February 25, 2005, for advancement to public hearing. A PIOH was held on June 9. Because of issues regarding the impact of changed design criteria (width of median and design speed of high span bridge) on approval of the EA, the GDOT has taken over design and management of the project. In the meantime, the County offered to do the improvements on Skidaway Island by County Contract or permit. The design for the portion on the Island is complete, and was submitted to GDOT for review in January. Review comments from GDOT were received June 16, 2006. The consultant is revising the plans and sent back comments in early September 2006.

7. Bay Street Widening from I-516 to Bay Street Viaduct. The Concept Report was approved by the GDOT on February 9, 2005. The Draft EA was sent to the FWHA on February 1, 2006. FHWA comments were transmitted March 28, 2006. The

County's consultant has addressed the FHWA comments and returned to GDOT on July 7, 2006. When the Draft EA is signed, a public hearing can be scheduled.

8. Jimmy DeLoach Parkway, Phase 2 (I-16 to US 80). The FHWA approved the Final EA on March 3, 2006. A proposal from the County's consultant to complete the design has been submitted and is under review.

9. White Bluff/Coffee Bluff Road. A PIOH was held on August 12, 2004. The Need and Purpose Statement was revised to essentially create a 3-lane section from Willow Road to Cedar Grove (near entrance to Country Day School) and improve the two lanes (i.e. widen pavement to 12 feet wide travel lanes) from Cedar Grove to Rose Dhu Road. It was submitted to GDOT January 19, 2006. The project will include either sidewalks on both sides or a multi-purpose trail on one side. GDOT has transferred management of the project from Atlanta to the Jesup District Office. The revised need and purpose has been approved by GDOT, and is being sent to FHWA for comments.

10. Eisenhower Widening from Abercorn to Truman Parkway. The Concept Report was approved by GDOT on June 22, 2004, but was not received by the County until November 15, 2004. Because of the high estimated ROW costs (over \$22 million -- local cost), the City of Savannah, County and consultant proposed reductions in the project. The proposal was sent to GDOT October 28, 2005. This project has also been transferred to the Jesup District office to manage, and on August 17th, GDOT requested more information on the impact of the proposal.

11. Abercorn Widening from Largo Drive to Rio Road. The project is on hold. A letter has been sent to the consultant indicating the County intends to cancel this contract because GDOT has included the concept development and environmental permitting in their Abercorn project from U.S. 17 to Truman Parkway.

12. Skidaway Widening. The Final EA was approved by the FHWA on December 30, 2004. The County's consultant submitted a proposal (over \$750,000) which staff still has to evaluate for an amendment to the engineering services contract or a new contract to incorporate all new GDOT requirements known to date to complete the design. In accordance with the LGPA, the County is responsible for acquiring the necessary ROW. The GDOT has agreed to fund, award and manage the construction project. Due to reductions in state and federal highway funds, staff will look at the feasibility of requesting that GDOT break this project into several construction contracts.

13. Islands Expressway Bridge Replacement. LPA Group (consultant) is under contract with County to develop the Concept Report. A PIOH was held on May 26, 2005, presenting three alternatives to construct high span bridges. Written responses to the comments are complete. The last utility estimate was received and the consultant submitted the concept report on August 8, 2006.

14. US 80/SR26

a. Lynes Parkway to Victory Drive. GDOT is preparing the EA. The GDOT schedule shows a PIOH in 2006, and award of a construction contract in 2008.

b. Bull River to Lazaretto Creek. GDOT is working on the EA. The GDOT hosted a PIOH on August 25, 2005, at the Tybee Island City Hall.

15. Abercorn Intersection Improvements (DeRenne Avenue, Mall Boulevard, Apache Drive, Tibet Avenue). The County has certified the right-of-way to GDOT for DeRenne, Apache and Mall Boulevard. Tibet is still on hold pending resolution of right-of-way issues with the City of Savannah.

16. Local Roads

a. Fountain Road. Board approved the construction contract on June 12, 2006. NTP was issued July 24, 2006. Completion is expected by January 30, 2007.

b. Mobley Street, Yucca Place, Perkins Place. GDOT executed the County Contract on March 1, 2006. The Board approved award of the construction contract on April 7, 2006. Work is in progress. Scheduled completion date is October 22, 2006.

c. Bond Avenue, Heather Street, Betran Avenue, Shore Road. GDOT executed the County Contract and issued NTP on August 19, 2005. Right-of-way issues on all the roads required changes to the construction plans, thereby delaying the bid process. Complications in the ROW negotiations on Bond and Betran Avenues are taking much longer than originally believed. As a result, GDOT agreed to a staff request to bid Heather Street and Shore Road separately for construction. The Board authorized the award of the construction contract for Heather and Shore on April 7, 2006. NTP was issued on June 21, 2006. Utility conflicts on both streets have delayed any land disturbing activity. Staff met with the contractor and a representative of Georgia Power Co. on August 28th on site. We do not have a firm schedule as to when Georgia Power, Bell South and Comcast will complete their relocations. There is also underground water and gas that will have to be relocated. The appropriate owners of these utilities have been notified to relocate. The scheduled completion date of December 28, 2006, is problematical due to these utility delays.

d. Dulany Road, Cramer Street, Palm Drive and Old Pine Barren Road. Requests for County Contracts with GDOT on Old Pine Barren and Dulany were approved by the Board approval on October 21, 2005. ROW and construction plans for Dulany and Old Pine Barren should be ready in September. The consultant (McGee Partners) met with staff on February 21-23 to discuss plan development on Cramer Street, Palm Drive and other projects. During this visit a second field trip to Cramer Street was made to listen to property owner concerns. The Department of Engineering received a petition from property owners in the neighborhood requesting that any design for paving take into consideration the historic sensitivity of the area and trees that may incur root damage as a result of construction activity.

The petitioners had an arborist assess the trees and placed a monetary value to them (\$293,000) and seek a 10 year monitoring period.

e. Stone Street. The property owners on this street originally did not want the street paved and submitted a petition to not pave the street. After several meetings, they changed their minds and submitted another petition with 20 of 22 property owners requesting that the street be paved. The Board authorized entering into a County Contract with GDOT on February 24, 2006. The request (GDOT Form 532) was sent to GDOT on March 1, 2006. Final construction plans will be ready in September, 2006. Right-of-way acquisition is needed on 2 parcels.

RECOMMENDATION: For information.

Districts: All

SUMMARY OF ROAD PROJECT STATUS
September 2006

PROJECT	ELEMENT	MILESTONE FOR COMPLETION	AGENCY RESPONSIBLE	NOTES
Truman Parkway, Ph 5	Environmental ROW Final Design Construction	Complete Aug 2007 Feb 2007	County County/GDOT County/GDOT GDOT	EIS approved 8/12/99 Acquisition underway. CST FY 2009
US 17: Ogeechee Riv/SR204	Construction	March 2007	GDOT	Bonding company now responsible
Middleground/Montgomery Cross Road Widening	Construction	May 2008	GDOT	Change order with APAC signed May 31, 2006.
Jimmy DeLoach Pkwy, Ph 2	Environmental ROW Design Construction	Mar 2006	County County County GDOT	Final EA approved by FHWA. CST LR
Whitfield Avenue Widening	Environmental Design ROW Construction	Feb 2004	County County County/GDOT GDOT	EA/FONSI approved. Preliminary plans on hold. ROW funded FY2006/07 CST FY 2008
Diamond Causeway Widening and two bridges	Environmental Design ROW Construction	Unknown	GDOT GDOT GDOT GDOT	Draft EA signed Feb 05. ROW FY 2007 CST. FY 2010

Skidaway Road Widening	Environmental Design ROW Construction	Complete	County County County GDOT	Final EA signed 12-30-04 Change order or new contract needed for design to continue. CST. FY 2010
Bay Street from I-516 to Viaduct	Environmental ROW Final Design Construction	Mar 2007	County County County GDOT	Draft EA pending approval by FHWA. R/W (Local) FY 2008 CST LR
US 80 Widening - Bull River to Lazaretto Ck - I-516 to Victory Drive	Environmental Environmental	Unknown Unknown	GDOT GDOT	CST FY 2012 CST FY 2008
White Bluff/Coffee Bluff	Environmental	Unknown	County	CST FY 2010
Eisenhower (Abercorn to Truman Parkway)	Environmental		County	Concept Report approved June 22, 2004. CST FY 2010
NOTES: CST = FY in which the projects are programmed for construction in the CUTS 2007-2009 TIP.				

**AGENDA ITEM: XIII-3 Drainage
AGENDA DATE: September 8, 2006**

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: A. R. Black, P.E., Assistant County Engineer

ISSUE: To provide information on the status of Chatham County drainage projects.

BACKGROUND: For construction contracts that have been awarded, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. All project scopes include varying degrees of canal widening, bank stabilization, larger bridges and culverts.

FACTS AND FINDING:

1. Pipemakers Canal
 - a. Phase 1 (From the outfall at Savannah River to SR 21). Double channel size, replace bridges, replace tidegate, and provide maintenance access.

- i. Construction work is complete and the new sluice gates function automatically. The contractor has been provided a list of items to complete under warranty. A final pay request from the contractor and a summary change order are outstanding.
 - ii. Equipment to monitor gage operation has been installed and is in operation.
 - iii. A project to make adjustments to the equipment to improve operation is awaiting Board approval.
 - b. Phase 2 (From SR 21 to I-95). Double channel size and provide maintenance access.
 - i. The permit application documents have been submitted to the USACE for approval. The Consultant and staff are working to address preliminary comments.
 - ii. A contract to install an access road between Phase 1 and SR21. Work is approximately 95% complete.
 - c. Kahn Mitigation Site. This site will provide the necessary wetland mitigation for the Pipemakers Canal Drainage Improvement project. Construction documents are being reviewed by the USACE.
 - d. Bridge Removal and Sheet Pile Wall Modifications. A project to remove an existing bridge that restricts drainage from Pipemakers Canal into the Savannah River. Design work has been temporarily suspended while staff discusses options with the Georgia Ports Authority.
- 2. Hardin Canal
 - a. Phase 1 (SR307 bridges). Widen channel and replace bridge crossings. The USACE has provided review comments on the permit application. The consultants and staff are working to address these comments which may include shifting the proposed alignment in order to avoid areas under the jurisdiction of the Coastal Resources Division of the Georgia Department of Natural Resources.
 - b. Phase 2 (From 307 to Pine Barren Road). Widen channel and construct a detention pond. No target construction date. Staff is working to acquire canal rights of way for the future improvements on property owned by the Georgia Ports Authority.
- 3. Westlake/Springfield Canal
 - a. Phase 2. Acquisition and removal of flood-prone properties are complete. Construction of a project to improve access for maintenance of the canal is underway as a part of the Larmarville-Diggs drainage improvement project.
 - b. CSX railroad undercrossing. Final Design is complete. Staff is working to acquire access onto Hunter Army Airfield property which is required to facilitate project construction. Easements and environmental permits are complete.

4. Placentia Canal Phase 2 A project to correct drainage problem along Tennessee Ave. and to improve the appearance of the canal near the Bonaventure Bridge. Work is underway to secure easements. Construction documents are complete. The County has received the necessary permit from the USACE. A project to clear the site, and advertisement of the construction project is on hold pending resolution of required easements.
5. Conaway Branch Canal (tributary of Pipemakers Canal) Widen channel with road crossing improvements and a maintenance road.
 - a. Phase 1 includes channel improvements and crossing upgrades north of Main Street to Pipemakers Canal.
 - i. Phase 1A extends from Pipemakers Canal to Conaway Road. Right of way acquisition is underway. Coordination with GDOT for the crossing at Highway 80 is ongoing. Wetland delineation approval and a Provisional Wetland Permit have been received from the USACE.
 - ii. Phase 1B extends from Conaway Road to Main Street. Construction of these improvements is subject to available funding.
 - iii. Phase 1C includes the area west of Maple Street. Construction costs are to be funded by the City of Bloomingdale. Recommended improvements have been provided to the City of Bloomingdale.
 - b. Phase 2 includes improvements to system south of Main Street to Hardin Canal. These improvements are the responsibility of the City of Bloomingdale.
6. Little Hurst Canal Improve undercrossings at SR 21 and railroad, and widen channel downstream of SR21. A project to acquire rights of way and easements, and to acquire the required permits is underway. An alignment for the needed access road has been submitted to the GPA for approval.
7. Wilmington Park Canal Phase 2 Widen channel and improve culvert crossings under Wilmington Island Road. The permit from USACE was received on July 5, 2002. Project is under design, incorporating changes to reduce cost while still attaining storm water goals. Surveying for alternative route is complete. Review of preliminary report and recommendations is complete. Staff expects to begin acquisition of easements and rights of way in the near future.
8. Kings Way Canal Phase 2 Widen channel and enlarge culverts from Kings Way Court to the Truman Parkway. Design work and acquisition of easements are proceeding. Staff has reviewed preliminary acquisition drawings and returned same to the consultant for revisions.
9. Romney Place Drainage Phase 2 Improve storm drains and road crossings on Romney Place and along Parkersburg Road. Final design drawings are complete. Permitting has been completed. Acquisition of rights of way and easements is underway. The project will connect to the Skidaway Road

Shoulder Improvement Project which will include improvements to the roadside ditch. Staff intends to delay construction of the Romney Place project until the preliminary design is completed for the Skidaway project in order to avoid conflicts.

10. Village Green Canal, Phase 2 A project to improve the outfall. Wetland delineation has been approved by the USACE. Staff is soliciting engineering proposals for design of Phase 2 improvements.
11. Port Industrial Park Increase the capacity of the crossing under State Route 307 and improve the channel downstream to Pipemakers Canal. Design of the project to improve the canal downstream from SR307 to Pipemakers Canal is complete. Staff is working with Garden City staff and the property owner to coordinate plans for future development with the needs of the drainage improvement project.
12. Louis Mills Canal Widen channel from Veterans Parkway downstream to outfall at Westlake Canal and improve crossing under Marshall Avenue. Design is complete. Acquisition of Easements and ROW is underway. The permit from the USACE has been obtained.
13. Redgate/Rahn Dairy A project to provide larger undercrossings at several roads, canal widening and provisions for maintenance access. This project will reduce storm water flows in the Louis Mills system as well as improve the drainage in the Rahn Dairy canal. Preliminary design is complete and the permit from the USACE has been obtained. Acquisition of easements is underway.
14. Diggs Avenue Drainage (part of Louis Mills) This drainage improvement project involves improving drainage at the east end of Diggs Avenue. Notice to proceed with construction was issued to the contractor on June 9, 2006. Construction is approximately 65 percent complete.
15. Ogeechee Farms Phase 2 Improve road crossings at various locations. The permit from the USACE has been received. Mitigation requirements have been met. A fee proposal from the Consultant for design of drainage improvements in additional areas identified by Public Works has been requested.
16. Fawcett Canal Phase 2 Provide increased storm water drainage capacity in areas affecting Red Fox Drive and White Hawthorne Drive. Design is complete. Acquisition of easements from the City of Savannah is complete. Acquisition of the remaining easements is underway.

17. Quacco Canal Drainage Improvements East of US17 Improve Quacco Canal and associated road undercrossing capacities from US 17 to marsh, including removal of a private tidegate structure. Agreements have been reached with the property owner. The permit from USACE has been received and required easements have been acquired. Staff will prepare the bidding documents necessary to solicit proposals for construction.
18. Quacco/Regency Park Storm collector improvements to relieve severity and frequency of flooding within community. Design work is underway. Staff is currently investigating issues related to relocation of various utility systems in the county's Quacco Road right of way.
19. Halcyon Bluff Subdivision Storm collector improvements to relieve severity and frequency of flooding within community. Construction is approximately 50 percent complete and has been inspected. An opinion from the design engineer regarding acceptance of the completed work is being awaited. Construction of the second half of the project is expected to begin by September.
20. Golden Isles Subdivision Phase 2 Storm collector improvements to relieve severity and frequency of flooding within community. Approval by Health Department to proceed with the project has been obtained. Right of way acquisition is complete. Options to provide access for maintenance of the outfall are being evaluated. Staff is negotiating a fee proposal with the consultant to provide surveying services.
21. Georgetown Canal Upgrading roadway undercrossings to improve drainage capacity at St. Ives Way. Construction work was completed in February 2006. Minor cleanup and an inspection report for the sanitary sewer work remains to be completed.
22. Wilmington Outfall A project to correct storm sewer drainage pipes between Wilmington Road and the Wilmington River. Design work is underway. At the consultant's recommendation, a preparatory cleaning and inspection project has been completed. Final construction drawings have been requested from the consultant. The permit application will be made to the USACE by September.
23. Henderson Channel and crossing improvements to alleviate flooding in the subdivision.
 - a. Brown Thrush Canal: Crossing and channel improvements on the canal parallel to Brown Thrush Road, from Al Henderson Blvd. to Little Neck Road. Survey and analysis are complete. Staff is soliciting engineering proposals for design and permitting services.

- b. Little Neck Crossing: Replacement of the undersized culvert. Proposals for professional services to include final design and permitting have been received and a consultant selected to begin contract negotiations. Staff will present a contract to the Board for approval after fee negotiations are complete.
 - c. Henderson Canal: Provide maintenance road for canal from Gateway Blvd. to Little Neck Road through wetlands. Wetland delineation has been approved by the USACE. No target construction date.
24. Walthour Canal at Off Shore A project to improve the undersized culverts under the entrance road to the Off Shore Subdivision. Final construction documents have been received. Efforts continue to secure the necessary permits for the project.

RECOMMENDATION: For information.

Districts: All

Prepared by W.C. Uhl, P.E.

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4. MONTHLY STATUS REPORT ON NEW RECREATION RESOURCES (RAP).

An information status report was attached for review.

AGENDA ITEM: XIII-4

AGENDA DATE: September 8, 2006

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Robert Drewry Director, Public Works and Park Services

ISSUE: Provide Board a status update on RAP

BACKGROUND:

At the Board's request, staff has developed a Recreational Action Plan (RAP) that best utilizes the additional funds allocated to Parks and Recreation for FY 07. It is staff's overall commitment to improve the visibility of the recreation facilities and the quality of recreational programs for the citizens of this community.

FACTS AND FINDINGS:

1. To provide the Board with data on RAP

2. FY 06 staff was able to accomplish the following:
 - In-house renovation of Lake Mayer’s Restrooms
 - Installed new infield mix for Ambuc Park, L. Scott Stell, and Charlie Brooks Park
 - Installed new backstop and foul line fencing for Ambuc Park
 - Hired nine Maintenance Workers
 - Replaced the scoreboards at Ambuc, L. Scott Stell, and Charlie Brooks Park
 - Replaced all roofs at Memorial Stadium
 - Purchased three new vehicles
 - Purchased material for the renovation of the restroom at Ambuc Park
 - Painted the exterior of the concession stand at L. Scott Stell, and Ambuc Park

3. With remaining funds allocated for FY 07, staff established a priority project list and anticipate proceeding with the following:
 - Replacing the roof at Lake Mayer Pavilion
 - Repair Tennis Courts with remaining funds at the Wilmington Island Park

4. Projects identified on previous RAP reports that are still unfunded:
 - Back stop fencing and dugouts replacement at L. Scott Stell
 - Resurfacing of tennis courts L. Scott Stell

5. Staff was successful in securing a Board of Education facility for the up coming basketball season.

6. Staff is working with the Sports Panel to establish an outline to present to the Board that identifies recreational shortfalls and duplication of services with other governmental jurisdictions.

FOR BOARD INFORMATION ONLY

Various Districts

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EXECUTIVE SESSION

Upon motion being made by Commissioner Kicklighter and seconded by Commissioner Thomas, the board recessed at 4:17 p.m. to go into Executive Session for the purpose of discussing litigation and personnel. [NOTE: Commissioner Shay was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at approximately 5:10 p.m.

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ITEMS FROM EXECUTIVE SESSION

- 1. 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.**

ACTION OF THE BOARD:

Commissioner Stone moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at approximately 5:12 p.m.

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APPROVED: THIS _____ DAY OF _____, 2006

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

SYBIL E. TILLMAN, CLERK OF COMMISSION