

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 4, 2009, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Pete Liakakis called the meeting to order at 9:25 a.m., Friday, December 4, 2009.

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**II. INVOCATION**

Commissioner David Gellatly gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

Commissioner Farrell led the Pledge of 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:     R. E. Abolt, County Manager  
                      Jonathan Hart, County Attorney  
                      Sybil E. Tillman, County Clerk

Chairman Liakakis said, make a note that Commissioner Shay had a situation early this morning, and he will be here shortly.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. SPECIAL RECOGNITION OF JAMES PUTNEY FOR RECEIVING THE OUTSTANDING GEORGIA CITIZEN AWARD FROM THE SECRETARY OF STATE.**

Chairman Liakakis said, we'd like for James [Putney] to come forth and all of those that are involved in it, and Commissioner Farrell will read that special presentation.

Commissioner Farrell said, it gives me great pleasure to read this without my reading glasses. The Secretary of State put it in big writing, so this is —. Chairman Liakakis said, she knew you were going to read it. Commissioner Farrell said, yeah, it's quite a great experience here today, I don't have to wear my reading glasses. Commissioner Farrell read the following:

From the State of Georgia, Secretary of State, Karen C. Handel, Secretary of State, State of Georgia, do hereby proclaim James Putney as an outstanding Georgia citizen. May this

outstanding citizen be afforded every courtesy as a goodwill ambassador from Georgia in his travels to other states, to nations beyond the borders of the United States of America, or wherever he may hereafter travel or reside.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at the State Capitol in the City of Atlanta, this 6<sup>th</sup> day of March, A.D., 2009.

Karen Handel  
Secretary of State  
State of Georgia

County Manager Abolt said, I want Mr. Thompson also to comment, but James [Putney] is a very special individual. He represents what is so good about all of our County employees. He works in an outstanding fashion for us by day but by night and on weekends he has reached out through parents' clubs who are involved with youth and represented the very best in what we consider to be not just great employees but also humanitarian individuals who care so much about the future. He represents so much of what's embodied by individuals like Dr. Thomas to the Youth Commission and Summer Bonanza, Commission Holmes and all of you as you support youth programs. He truly is a very, very special person, and to have the State of Georgia recognize this is no mean accomplishment. I'm going to turn it over to Mr. Thompson and James quickly, but I will say please look at your watch because he's already reminded me he has to get the suit back by ten o'clock.

Mr. Fred Thompson said, Fred Thompson, Superintendent of Maintenance. Mr. Putney is definitely an outstanding citizen. All of this he had time to be the President of the Sixth District PTA Association, he is the Chairman of his Deacon Board at his church, he is a 20-year veteran, retired, of the Army, and last but not least, he's a valued member of the Facility Maintenance and Operations Division. He's truly an outstanding guy and I thank you for recognizing him as such. Thank you.

Chairman Liakakis said, thank you. What I'd like to do, James [Putney], before you speak, because I know you're very good at that, is I'm going to recognize a couple of people. I see you have your family member here also with you. Mr. Putney said, my mother. Chairman Liakakis said, and also we have our long time legislator here, Senator Regina Thomas, who has worked for this community for a long period of time, and also Bob Bryant, who's in the House of Representatives and who's done an outstanding job for us. So I'd like for them to come if they'd like to speak and then, James, we'd like to hear from you.

Senator Regina Thomas said, good morning. The Commissioners said, good morning. Senator Thomas said, thank you so much, Mr. Chairman. I rode around about four or five times trying to find a parking space and it won't look nice for me to get a ticket. I'm illegally parked now, but I wanted to say this and I'm going to leave. I love this man. I've been knowing him probably before he went to school. We were neighbors a long, long time ago. Because he's a deacon at his church and because I know his nickname, I call him Deacon Uncle Bubba. Now that's what we called him when he was growing up. He is a wonderful person and the accolades that we're bestowing upon him today is well worth it, and I need to also say that because of the PTA affiliation that he has, he's learned to speak Spanish affluently.

Representative Bob Bryant said, good morning, and always it's an honor to be among friends and it's great seeing all of y'all. James [Putney] and I don't go back as the future Congressman for this area, but James and I have probably been communicating for the last two and a half or so years, and through the PTA Association that he works, his work has been tremendous and I've been glad to support that work during this time, and when I found out that he was a military retired person, I mean, he knew my wife and he mentioned, yeah, my wife and my wife said, yeah, he's retired military. I didn't know, he never mentioned it. Never mentioned it, but it's an honor for me to be here and it's always a pleasure to see people like James being recognized. Thank you.

Chairman Liakakis said, thank you.

Mr. Putney said, Mr. Chairman and Board of Commissioners, Mr. Abolt, Fred [Thompson], this will be brief. I will thank you all for this recognition. Thank you for the support that you have allowed me to be able to do this. It ain't that often I'm speechless, but I am the District Director of Georgia PTA, which includes 13 districts in the whole southeast Georgia. Many school, a lot of work. My goal is to get the community and the parents involved in their children's education. I'm honored yet humbled to receive this Outstanding Georgia Citizen Award from the Secretary of State which was bestowed upon me by Senator Jackson, and I'm deeply appreciative for his, my friends and my family's support. I'm committed to serving PTA for the State of Georgia. PTA provides parents, families, community with a powerful voice and speak on behalf of the children not only in this community but the entire State of Georgia for their safety, education and welfare. Again, thank you for this award and I appreciate all that you all do, Dr. Thomas, Mr. Holmes, for the citizens and children of Georgia. Thank you.

Chairman Liakakis said, James [Putney], thank you very much for not only being a very good, dedicated, loyal employee for the County, but all of the other things that you've been doing over a number of years, because you've made a difference in a lot of people's lives and we appreciate that. You're a great example of Chatham County employees and we really appreciate that and we ask that God continue to bless you. Thank you. Mr. Putney said, thank you. Thank you, Mr. Chairman.

Youth Commissioner Joseph Drought said, I'd like to congratulate you, Mr. Putney, on behalf of the Chatham County Youth Commission for your outstanding achievements. Mr. Putney said, thank you, sir.

Youth Commissioner Carley Dawson said, and thank you for all you do. Mr. Putney said, thank you, ma'am. Thank you.

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**CHATHAM COUNTY YOUTH COMMISSIONERS**

Chairman Liakakis said, I'd like to introduce two of the Chatham County Youth Commissioners today, and of course I know James [Putney] appreciates y'all thanking him also for helping youth in our community, and we have on my left Joseph Drought, who is the Youth Commissioner for Benedictine. We appreciate you being here today, Joseph, and of course now we have Carley Dawson, who is the Youth Commissioner for Savannah Arts Academy. We're glad to have you here also. Thank you for your attendance.

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**VI. CHAIRMAN'S ITEMS**

**1. REQUEST FROM SAVANNAH TECHNICAL COLLEGE FOR DONATION OF A 2000 FORD CROWN VICTORIA.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, this came in too late for the agenda and because of the nature of the request and our partnership with Savannah Tech, what I would suggest is that you could approve it contingent upon the necessary documentation from Mr. Kaigler and Mr. Grant, our Fleet Manager, but I believe that there is nothing of great consequence, complexity, and I would feel comfortable in saying, Mr. Chairman, with your approval just go ahead and have the Board vote on this and then we'll make sure it happens. If there's any problems, we'll bring it back to you.

Chairman Liakakis said, yeah, I'm familiar with this. Since it's going to Savannah Technical College, of course, we have that Police Academy there and it could save County taxpayers' money because instead of sending the — for the particular candidates for the Police Department to go off, they can have their training in using this vehicle instead of us having to pay for the cost factors for that individual candidate to go up there and utilize it at the State academy. So I'd like a motion on the floor to make this donation of the Ford, which is coming out of our Fleet now, to Savannah Technical College.

Commissioner Odell said, so moved. Commissioner Thomas said, second. Commissioner Holmes said, second.

Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell made a motion to approve the request from Savannah Technical College for the County to donate a 2000 Ford Crown Victoria. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

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**VII. COMMISSIONERS' ITEMS**

None.

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**CHATHAM AREA TRANSIT AUTHORITY**

Chairman Liakakis said, instead of going for the County Commission to recess as County Commission and convene as Chatham Area Transit Authority, I want to see about moving it further back and the reason for that is Commissioner Patrick Shay has worked hard on this for a number of months and years past about the Transit Authority, and he has requested that he would like to be here so that he has his input and, as we know, Commissioner Harris Odell and Commissioner Patrick Farrell along with Commissioner Shay have been meeting with the Veolia people and going beyond that, Commissioner Shay has worked because he's really concerned. He's really dedicated to make sure we have the public transportation system for our citizens. So I'd like a motion on the floor to move that to — let's see — we'll move it after the Action Calendar.

Commissioner Farrell moved to adjust the agenda so that Commissioner Shay can be present to discuss an item on the CAT agenda. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

Upon a motion made by Commissioner Kicklighter, seconded by Commissioner Holmes and unanimously approved, the Board recessed as the County Commission at 11:18 a.m., and convened as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 12:10 a.m., as the County Commission to go into Executive Session.

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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 (\*).

**1. REQUEST BOARD APPROVAL OF A BEST VALUE CONTRACTING SCORE CARD FOR THE DETENTION CENTER EXPANSION PROJECT. Item Was Tabled at the November 6, 2009, Meeting. Item Was Removed and Re-tabled at the November 20, 2009, Meeting.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, this may fall within the same category of your desire to delay consideration on the CAT agenda. You'll remember at your last meeting when staff brought this forward, there were some questions in the main from Commissioner Shay. I've had telephonic communications with he along with Mr. Kaigler and our consultant, Mr. James. I know that Commissioner Shay is satisfied with this. At one time I believe he intended to make the motion to approve this. It may be fitting, if your desire is to delay CAT, to also delay this and then again, there's no problems with it, I believe, because he has been your spokesperson for it, but there may be a desire to have him in attendance, but I want to let you know upfront that he did tell me he'd made the motion to approve. So —.

Commissioner Kicklighter said, motion to delay this until Commissioner Shay is here. Commissioner Gellatly said, second.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

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County Manager Abolt said, Mr. Chairman, it is the end of your meeting with the exception of Information Items, and if the Board will allow me to again convey what I understand to be the wishes of Commissioner Shay in approval of the item that would come off the table on best value, I would suggest that it might be appropriate before you conclude your regular agenda for the County Commission, you go back on Tabled Items and entertain a motion to pull it off the table and then again with what I've told you as at least the voice of one member of the Commission, who supports it, then consider whether or not you wish to adopt the best value contract score cards.

Chairman Liakakis said, okay. Then I need a motion on the floor for Item VIII, Request Board approval of a best value contracting score card for the Detention Center expansion project. County Manager Abolt said, that will come off the table. Chairman Liakakis said, yeah.

Commissioner Odell said, I'll move to take it off the table. Commissioner Stone said, second.

Chairman Liakakis said, let's go on the board. [NOTE: Commissioners Shay and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

County Manager Abolt said, again with this, Mr. Chairman, Dr. Thomas, Commissioner Stone, gentlemen, there was very helpful and very direct discussion on the first draft of this. In the staff report we presented two weeks ago, staff listened. Our consultant, who also is a person of great standing in the legal profession, Mr. Robert James, who is in the audience, Mr. Kaigler and others, contributed to the modification. We feel that we've achieved the direction orally that we heard last meeting. We feel that what you have before you now is a very well thought out legally defensible strategy in which we approach the eventual letting of probably the largest construction contract this County has considered ever come June of next year. What I would like to, if you feel it appropriate, to have both Mr. Kaigler and Mr. James come forward and respond to any questions.

Chairman Liakakis said, all of our Commissioners were distributed these particular values, the score card, and so we'll have them speak about it now and, Priscilla [Thomas], wait a minute. I think you wanted to make the motion first.

Commissioner Odell said, yeah. I wanted to make the motion to approve. Is there a second? Commissioner Stone said, second. Commissioner Thomas said, second. Commissioner Odell said, but I also want an opportunity just to clear up two things very quickly with —.

Chairman Liakakis said, go ahead. It's Harris [Odell] and then Priscilla [Thomas]. He had asked that he wanted questions before anybody else raised their hands. Go ahead.

Commissioner Odell said, I'm right next to him so I can get to him quick. Good morning. Mr. James said, good morning. Commissioner Odell said, Patrick [Shay] had some concerns and Dr. Thomas had some concerns, and those have been incorporated into the current score card. Mr. Kaigler said, yes sir. Commissioner Odell said, okay. I looked at it and it appeared that it had, but just for the record I wanted to make certain of that. And have you all communicated with Pat [Shay]? Mr. Kaigler said, yes sir. As the Manager indicated, we talked with him on the telephone. He reviewed it and had positive comments for the work that Mr. James and myself did on incorporating the suggestions from the previous Commission meeting into the document.

County Manager Abolt said, his exact words were: Were he present, he would make the motion to approve.

Commissioner Odell said, I mean, I'm good. I'm finished.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I simply wanted to say thank you very much for incorporating some of the suggestions that I had because I was very adamant about local and minority participation, and I see that there has been an increase in that percentage and I'm happy to see that, and with that I'm okay.

Chairman Liakakis said, okay, good. Then if nobody has any questions, we can actually go on the board because there was a real concern that we had in the best value that was brought up the last time that we could make sure that local contractors, the best value, that we could use that particular formula so that we have local people that's going to be able to, you know, to get business and they'll have a good amount of that plus minorities in our community. So I see working together on that, that you came up with a formula that was more equitable to the people in our community.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. My only concern is that possibly some of the legal wording within the document here may actually wind up working against the objectives and goals here. Examples would be the — within the definitions we have SBE – Small Business Enterprise, MWBE – Minority Business Enterprise [sic], MBE – a business owned by 51% of minorities as certified by Chatham County. We have a definition of local with no acronym for it, and the local it starts the part of it "a firm that" and then it has some bullet points. The very first item within this is on, I believe it's page 19. Alright, if you look on page 17, paragraph a, Prime Contractor Level that states local MWBE/SBE participation and it goes through — these are things that the County really encourages here — and it says relationship wherein the local MWBE and/or SBE partner shares in a significant portion of management responsibility. I think that's great wording right there because it's and/or, but what goes on to happen throughout here is the wording actually changes. You have Subcontractor Level, which is b, and it says bidder shall provide a written plan for how it will ensure that Local MWBE and SBE firms where it's missing the slash and the or, and/or SBE firms. It goes on that to miss the or at the Prime Contractor Level. Supplier Level, c, same thing. It's missing the or after the and, and I'll make the point of why I think it could wind up hurting more than helping without the correct wording in here. It goes right on through Local Labor Utilization, I believe — no, I don't see and/or anything in there. Without the wording without an acronym for Local, a good acronym that's inserted in there because of the racial makeup of the City of Savannah being 57% African-American, what I believe could wind up happening is we've got the SBE's, which also is Small Business Enterprise included in here, but that to qualify for that it's a federal government designation for an SBE, so you may have many local groups that aren't designated as an SBE, but we have the acronym for local businesses in here in Locals, it could be inserted along with the wording of Local and/or and then we could have Local LB for Local Business and Local F, excuse me, Local Firm, and then if we and/or, and/or, and/or, what can wind up happening I believe the wording needs to be inserted in there. Because of our ethnic makeup in the area if we make it very clear we want local, then we're bound to have a good diverse workforce as long as we keep it local, and I just think we need to work on the wording a little bit more to ensure Local because what could wind up happening in my opinion, and I'm not an attorney, is we could wind up because it's my understanding that when we think minority owned business, as far as the minority part goes, even if we were the City of Savannah, it's not based on population, it's based

off of the amount of businesses owned by a certain ethnic group or woman gender. So what could wind up happening if not worded right is people could lose points on their bid if let's say we, as far as minorities or women, we don't have many businesses located in the Chatham County area that's actually minority or women owned. If we have the Local acronym in there, what will happen is we're given the points for Local and, sure enough, Locals should be hired by local companies or firms where the way it's worded now it could be actually go to an outside area on Local — I mean, for the minority status or women/minority status. Thus far we're losing jobs in the area for everyone in the area being white/black and every other race. I think it could be worded a little better to protect the Local, which would protect all — everyone here. That's my two cents worth.

Chairman Liakakis said, Mr. James, you are the attorney for that. What's your response?

Mr. Robert James said, yes sir. And, Commissioner Kicklighter, I appreciate your comments. The definition that was included in this document for Local Businesses was actually taken out of the existing County Purchasing Ordinance, and it's based upon your own local preference that was adopted in your own Purchasing Ordinance and it's basically very similar language, and the reason why there's no specific acronym is just because the word Local means local and we define what Local means and it means —. Commissioner Kicklighter said, wasn't long enough to have to give it an acronym. Mr. James said, no, residing within the County, and it's very clear that it includes local small businesses as well as minority owned businesses.

Commissioner Kicklighter said, it's clear, but legally is it legally clear because, if you'll notice, where you have the word for each job on here, each type of job description, you have Local MWBE and whatever, not Local acronym. You're missing the word Local on the — after the ands, and so legally, I'm not an attorney, but if I were I think I could challenge you in court if you gave me a low grade because legally I don't think it's worded right.

Mr. James said, we can work on the wording to make it to your liking. Commissioner Kicklighter said, no, I don't want it to my liking. I want it to be legally upholdable. Mr. James said, yeah, and I understand, but I think that the intention of staff and the intention that I had in trying to help clarify some of this was to get to the point that you are raising, which is to make sure that — my understanding was that the policy goal of the Commission was to make sure that all of the local businesses who would be qualified to work, with the emphasis on the word local, would have the great opportunity to work on it. Commissioner Kicklighter said, right. Mr. James said, whether they're owned by local residents who happen to be minorities or women or whoever, and we want to emphasize that as a policy goal primarily because those companies are the ones who are most likely to employ local residents and keep those tax dollars circulating within this community. And so that's really the goal here, and I'm sure that Mr. Kaigler and staff would be happy to make further modifications.

Mr. James said, one just quick technical point I wanted to make sure is clear. The definition for Small Business Enterprise, it does refer to definitions that are set forth by the federal government by the Small Business Administration, but there's no — you don't have to apply. I mean, you don't have to apply for anything, you don't have to get a piece of paper from the federal government that says you're a small business. You simply have to assert that you're annual revenues or your number of employees for that particular industry classification are below a certain level and that's what qualifies you to be a small business. I would argue that nearly every construction company that's resident in Chatham County is a small business per those guidelines. I don't think there's anyone that's actually not technically a small business per those guidelines. So there's no official designation that they would have to have in order to qualify as a small business. I just wanted to make sure that's clear that there's nothing — there's no burden, you know, that's being placed on any small business.

Commissioner Kicklighter said, that's good. That answers and eliminates the need for another definition there, but, like I said, my only concern is I think that y'all have done a great job putting something forward that we asked for. I just, the legalities of it, I want to make sure that it's covered with the and/or local, this, that and the other, and I think Local should be in front of each one or it could be challenged in court and we could lose.

Chairman Liakakis said, okay. Any other questions? Alright, let's go on the board.

Commissioner Kicklighter asked, so we're not going to insert the words to protect us?

Chairman Liakakis said, come forth.

Mr. Brett Hume said, thank you, Mr. Chairman, County Commission. Brett Hume, Savannah Regional Labor Council. We were involved in the inception of this and the creation of the original score card, and it seems to me as of the last meeting, the question was not so much will this project come under best value, the question Commissioner Shay asked was more about the way and certain categories of the score card. In specific, he referred to community outreach. My first question is beings you all have that information, we the public have not heard the response to that inquiry, number one, from Mr. James, and number two, since we were —.

Chairman Liakakis said, wait a minute, just number one — come forth and answer that question there.

Mr. James said, after the last Commission meeting, Mr. Hume and I have a very brief conversation and I haven't seen him since then, but I mean I'm happy to sit down with anyone, you know, obviously my client is the Commission. You all are my client and the County Attorney and Mr. Kaigler, so —.

Commissioner Odell said, but the question will we have an outreach, and the answer to that is yes.

Mr. James said, oh, the answer to that is yes. Absolutely. Commissioner Odell said, that's the answer. Mr. James said, there's a — you cannot — the way that this score card is structured, just for the benefit of those who haven't had an opportunity to review it in detail, that there's a base level of, I think, seven or eight criteria that you must meet that are pass/fail criteria. That was one of the things that was suggested at the last Commission meeting that we incorporate, and you must meet these criteria in order to move forward. If you don't meet the first several criteria, then the committee can stop reading your proposal. And one of those criteria is articulation of a local outreach plan. Now if we start — and that's a pass/fail. Now then we'll get into the detail of you and your specific proposal for a local community outreach, and that community outreach plan has to include subcontractor level participation. In other words, how are you going to get the local small subcontractors who may or may not be owned by minorities or women, but who are local, how are you going to get that community involved in the project specifically. How are you going to go out and get them, what kind of areas do you think that they will be performing on the actual construction project and what is your anticipated level of local participation by minorities and women, et cetera. The second level is you must identify specifically in your supplier base. You know, those who are supplying goods and services to the construction project, what local minority and/or women-owned suppliers will be involved and what's your outreach plan for local minority/women business enterprises for the supplier portion of the contract. Then further you have to talk about local employment base and what your anticipated local employment utilization will be to address the issue of making sure that local people are employed on the job.

An additional pass/fail before we even get to those scoring mechanisms is you must agree to at least adhere to the minimum standards for wages set forth by the Georgia Department of Labor and, you know, as Mr. Hume knows, because of the law that was passed by the State Legislature I think back in 2005, we can't really — the State Legislature has prohibited you from making more demand on contractors for specific wage rates, but you do have the Georgia Department of Labor wage standard that you can enforce, and so we're making that a minimum requirement in order to move forward in the evaluation process.

Commissioner Odell said, we can't even under that bill, not bill, legislation mandate that a bidder have health insurance, which I, you know, that is the most ludicrous, unhealthy thing that a state can do. I mean, that is just, you know, we got in substantial trouble with that with the Trade Center and we brought people in here because they were low bidders from Memphis and from central Pennsylvania. Nobody was given health insurance and when someone got sick, they went to our hospitals and we had to pay for it, which is incredible. Ended up the steelwork had to be finalized by local guys. By local guys, and what we wanted to do with this is, this should be a stimulus for Chatham County, for the people who live here. Ninety million dollars is a lot of money. I love Memphis, Tennessee, but if it comes to who gets the money, it should be Savannah, not Memphis and that's how we want to word it. I think everyone agrees on that. If the money's collected here, we want to spend it here. But there will be an outreach and he'll give to you, if they haven't already given it to you, a copy of the score card and we will use the Georgia Department of Labor prevailing wage.

Mr. James said, yes, that's correct. That's correct.

Chairman Liakakis said, alright. What's the second question, Brett [Hume]?

Mr. Hume said, yeah, the question was the community outreach. The question Commissioner Shay reached out was that the weight had only 5%, and I think the County Manager just gave me the response in print, which is also the response to the second question about the current adjustments. In reference to Commissioner Kicklighter's comments originally when we came up with this score card, even if a [inaudible] came from out of the area for bonding reasons, the majority of the local labor hired on that particular project would come under this criteria. So that kind of addresses initially what we had agreed to, and my schedule didn't permit Mr. James and I to catch up this week, but we will certainly review this and report back, and I commend the Commission because you couldn't worded it better for our local community.

Chairman Liakakis said, and one of the things, of course, has been expressed by this Commission is the people in this community pay the taxes for us to do these different projects and all, and what we should be doing as much as we can provide the local people with jobs in our community. They are paying the taxes. Instead of bringing some company that we know of, when you talk about the Trade Center, and they even the laid the foundation wrong. They brought in these cheap laborers, they wanted to make this huge project, and they laid down the foundation wrong. So they had to call on the people, you know, in the labor groups to come in and straighten that out. And the roof, the roof was out of kilter over there and they had to bring in the local workers to straighten it out or it would have cost taxpayers a lot more money. But those people from Atlanta did a terrible job, but anyway the local people helped straighten it out because it could have cost the taxpayers a lot more money with that.

Chairman Liakakis said, so let's everybody go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

#### **ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved to amend the agenda to delay the consideration of this action until the end of the meeting when Commissioner Shay can be here. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

- b. Commissioner Odell moved to untable this item for consideration by the Commissioners. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]
- c. Commissioner Odell moved to approve a best value contracting score card for the Detention Center expansion project. Commissioners Stone and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**AGENDA ITEM: VIII-1**  
**AGENDA DATE: December 4, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Michael A. Kaigler, Director  
 Human Resources and Services

**Issue:** To provide the Board with an updated scorecard for the Detention Center Expansion Project.

**Background:** At the November 20, 2009 Commission Meeting, Staff presented a draft scorecard to the Commission for their review and comment. Staff received comments and suggested changes from the Board and with instructions to incorporate those changes into the proposed scorecard and present the updated scorecard at the next Commission Meeting for review and approval.

**Facts and Findings:**

1. The attached scorecard incorporates the changes as recommended by the Board at the November 20, 2009 Board Meeting. The proposed scorecard incorporates several pass/fail criteria that all potential bidders must meet in order to be eligible to submit a bid for this project.
2. The points have been modified to add more emphasis on local/minority participation on this project. The scorecard also requires potential bidders to submit a written plan for bonding alternatives as a part of the pass/fail criteria.
3. The criteria referenced above have been incorporated in the Best Value Scorecard for the Detention Center expansion project. The proposed scoring detail is as follows:

Financial	(50 points =15%)
General References	(15 points = 5%)
Experience	(95 points =29%)
Proposed Project Personnel	(30 points = 9%)
Management Practices	(56 points =17%)
Local/Minority Participation	(85 points =26%)

The total number of possible points that can be awarded is 331. In order to be deemed responsive, a firm must achieve a minimum score of 281 point or 85%. Only the firms who achieve the cut-off score will be allowed to submit a bid.

**Funding:** No additional funding is required at this time.

**Alternatives:**

1. Request Board approval of the attached Best Value Contracting scorecard for the Detention Center expansion project.
2. Request Board approval of the attached Best Value Contracting scorecard for the Detention Center expansion project with modifications.
3. Provide Staff with other direction.

**Policy Analysis:** Recent changes in Georgia law provide increased flexibility in the delivery method for constructing projects. The decision about a preferred alternative depends upon the unique characteristics of each project, schedule, availability of qualified subcontractors and suppliers, the local labor market and the public policy goals established by the Board.

**Recommendation:**

The Board adopt Alternative 1.

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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. **TRANSMITTAL OF THE 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND RELATED DOCUMENTS INCLUDING THE AUDITOR’S COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE, SINGLE AUDIT SCHEDULE OF FINDINGS AND QUESTIONED COSTS, MANAGEMENT LETTER, AND MANAGEMENT RESPONSES TO THE SINGLE AUDIT FINDINGS AND THE MANAGEMENT LETTER (AUDIT). EXTERNAL AUDITOR WILL BE PRESENT TO ANSWER QUESTIONS. AUDIT DOCUMENT WILL BE DISTRIBUTED AT MEETING.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, again we gave this to you a day early and apologize for its lateness only because there’s so much has to be done, but I know Commissioner Stone did pose some questions in your pre-meeting. If there are more questions that remain, we can certainly address those. We can have Mr. Cowart come back. He’s gone back to his office, but the issue is you’re officially receiving the document from your external auditor. The substance of it is really no different than past audits. I think that if Mr. Tindol were here he would again indicate the quality of financial accountability we have within the County. We always can do a better job. We have a great partnership with the external auditor. We are working on those issues that have been brought to our attention for the first time. The issues brought to your attention again by Commissioner Stone have been addressed. Some of them will have to be addressed legislatively if possibly and the other will depend upon our continued tenacious approach to Blue Cross/Blue Shield and auditing the way in which they pay claims, but essentially the audit shows that we are in good shape. We have a — with the exception of the Special Service District, we have sound financial footing and for that you ought to be proud because it’s all of your doing, and please remember though it’s not me as your employer speaking. If you wish to have the external auditor answer any point questions, that’s very important that you pose those questions and he responds directly to you. I would like to though allow Ms. Cramer, who has made all of this possible, to really say what she says from her perspective, but again please realize that Ms. Cramer works for me, and I work for you, and the external auditor works for you, and therein lies a particular and very important check and balance. Linda [Cramer]?

Ms. Linda Cramer said, I am pleased to give you the audit report today. Overall we had a pretty good fiscal period. We’re showing increases in fund balance and most of our funds. The general fund you have a \$6,000,000 increase in the fund balance. A lot of that came from departments not spending their budget, as well as we had put that money aside for the comp study and we never used it, so that was about \$2.9 million I think of that \$6,000,000. We are, of course, as you see, we used about \$2.9 or \$3,000,000 in fund balance to meet our expenditures in that fund. In the other funds, you know, we’ve been building up cash balances in Sales Tax V because we’re not building the Detention Center yet, so you know you see some increases across the board in the capital project in terms of reserves. Overall I think our position for the County is very healthy right now. As you know, we went into this budget period in Fiscal 2010 and we actually cut a lot of the expenditure budget in the general fund. We cut that 3% so, you know, it will be interesting to see what sort of variances we have this year in terms of increasing fund balance from departments not using their full budgets. So that will be an interesting process to see.

Derrick [Cowart] is here. He does have your annual score card and ratios, and I’m sure he would like to present those to you, and if you have any other questions as you wade through the management layer and the single audit report, you know, please feel free to call me. We’re always trying to improve things and I don’t know if our Youth Commission has an interest in accounting, but you are welcome to come in and sit down and talk to me and we’ll tell you what we do upstairs in Finance.

Chairman Liakakis said, Linda [Cramer], Commissioner Farrell would like to ask a question.

Commissioner Farrell said, last year about this time we were informed that our current budget was not adequate to get us through the rest of the year. Do you foresee any information of that type coming forth between now and the end of our current budget year now that we’re in the middle of the budget year or are we still operating within budget? Do you see any warning signs that we should be aware of? Ms. Cramer said, well, I think what we saw in the first quarter report was we did not have our tax revenue in yet, so we were a little concerned on the cash flow side. We do have some funds that are a little shaky and most of those funds are like Building Safety funds which we’ve been talking about for two years now and we’re furloughing staff. We’re seeing in the — of course, SSD funds were a little shaky too and your LDAO and your Land Bank fund, but I think the general fund remains pretty healthy. What we’re hoping again to see coming into next year’s budget, I’ve already gone in and looked at a five-year history on the expenditure side

to see where we can go in and make some cuts that are not going to be across the board. You know, these would be cuts that we've had repeated I guess budget requests from departments when they haven't utilized their full funding in certain categories. So we're already getting per active in looking at that as we go into next year's budget cycle knowing that the property tax digest may be unusual.

Commissioner Farrell said, but I guess — so I think I heard that you don't foresee us having a problem with this year's budget that we're still kind of on track or, you know, we got some surprises last year that we had to make some changes to, and I was just wondering if there was any kind of horizon —.

County Manager Abolt said, I think on the horizon what you're going to see is probably some emergent act in the early part of 2010 relative to the SSD budget. Beyond that I think Ms. Cramer not only has summarized it well, but it's re-countable to your already well-informed on with the exception of that \$28,000,000 SSD budget because of your financial policies, because our millage adjustment did a few years ago, you have prepared the County for weathering this difficult storm. The reserves are there. I know Commissioner Farrell attended, along with Dr. Thomas, a meeting of the 12<sup>th</sup> District ACCG. Outgoing head of ACCG Jerry Griffin said, you know, the message for the Legislature is don't do us any more harm, and the reason I recount his words, remember at the end of that Legislative Session in June, they did us a heck of a lot of harm. They artificially put a ceiling on our digest growth and that not only was irresponsible but it creates problems that you usurp your powers as an elected body to really decide what's fair in the service level. We now have that artificial governor — small "g" — on our digest growth, and that is going to be a real problem. All the constitutional officers, all the department heads have cooperated fully. The SSD departments are impacted because remember from our digest growth in SSD for all of last year with a \$28,000,000 budget, our digest growth was, what, like \$219,000. That's the type of problem we have in a small way in SSD. M&O right now we're doing reasonably well. You're going to have a chance come the end of January, first part of February to have your budget goal session, so we will keep you current.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I'll let her finish her statement and then I'll ask my questions.

Ms. Cramer said, my only other point on that was, you know, we have talked about the Teleride budget and — but we do have money in our general fund contingency that we could utilize for any increases in that budget. Commissioner Farrell said, thank you.

Chairman Liakakis asked, do you want to ask the auditor? Commissioner Stone said, well, simply my questions were a followup from what I asked in the pre-meeting this morning because this is, our County Manager stated, our report card, that some of these issues that we may not have total control over, that they do be reflected in the CAFR in that manner so that the public understands that these are not issues that we're just ignoring, but these are issues that may be controlled by the State. So I just wanted to make sure that that was in fact included in some way, shape or form in some of these comments. Ms. Cramer said, I think what we need to do there, we'll modify our response to the first single audit comment to, you know, further I guess emphasis that State law is a little bit of a hindrance in centralized cash collections and that's why we're getting that comment repeatedly.

Mr. Cowart said, and we can, of course, bring out a couple of the sentences that we pointed out that in a lot of cases it would take legislative action to change the way things are collected by the County.

Commissioner Stone said, the only — the last statement that I would have is that the comments that I made reference to in the pre-meeting also, I know, Linda [Cramer], that you indicated that you all would be looking at those, and I just want to make sure that we follow up on it. Thank you.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, I want to go back to Russ [Abolt]. Russ, last year — this year in July, we had a cap placed on our digest, the digest growth —. County Manager Abolt said, yes sir, yes sir. Commissioner Odell said, forgive my voice. Was there a concurrent cap set on programs that they no longer fund? My question is if they cap our ability to raise money, do they also cap the things that they no longer fund in Chatham County, like aid to mothers with dependent children, the Venereal Disease Clinic at the Health Department, [inaudible] central programs, the Bamboo Farm, do they put a cap on those kind of programs that they no longer will fund? County Manager Abolt said, the incongruity of the action which you've hit on directly is they've for some reason injected themselves on the business of local government you all and at the same time said our ability to provide service shall not grow beyond a certain point, and then they either detracted directly from their support or they made it impossible for us to do certain things because they're not funding the Health Department. There's problems in mental health and paying for the cost of housing their prisoners. There's repeated problems in just the general quality of life we've learned to accept in Coastal Georgia and throughout the State because the State has, in effect, you know, put some skin in the game. Not only do they take skin away from the County and our inability to fund our own services from legitimate growth in the digest, but they further removed themselves from any financial responsibility to do what they've been doing for decades.

Commissioner Odell said, unthinkable.

Chairman Liakakis said, well, the unfortunate thing is that what a lot of citizens don't understand, but the State of Georgia places us in a very negative position on a number of items because they mandate certain services that we are

required to perform for the citizens but they do not fund it, and it's the State's responsibility and yet the taxpayers in Chatham County, all the cities in the County, the citizens that pay their taxes, they have to, you know, to do that and the State of Georgia hopefully that at some day in the future, I don't know if that will ever happen, but some day in the future that we have enough people in the legislature that will turn that around so that if there's a mandated service what the State of Georgia will do they will pay for it as opposed to making the individual citizen having to pay for that through their taxes.

Commissioner Odell said, and — I'm sorry, may I finish, Mr. Chairman? Chairman Liakakis said, yes. Commissioner Odell said, our budget as far as M&O is healthy. Our problem lies with SSD primarily. In that regard, Russ [Abolt], the utilities that are collected from the unincorporated areas that are distributed to the municipalities, which directly impact SSD, we will send notifications to everyone in SSD. When they get their tax bills, we will mail them a notification of that fact so that they will know that what they're doing is we're taxing them but the tax is being collected in the unincorporated area and distributed in the municipalities. I mean, that to me seems unconstitutional, but so the general public will know, we've made a request upon our legislators to correct that, and what they would be correcting is if you collect money in an area, you cannot collect money in a particular area and then distribute that money in another area, and that's exactly and precisely what is being done the current way the system is designed as far as the utility service. Chairman Liakakis said, the franchise fees. Commissioner Odell said, the franchise fees.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly asked, did you shake your head yes you'll do that or —. County Manager Abolt said, direct it to Mr. Powers, who's in the back of the room, but I believe that's a very effective strategy and I —. Commissioner Gellatly said, I just wanted to add one thing to what he said. I very much think that that needs to be done and also it needs to be done in clear, concise, easy to read and understand language, and red is not a bad color to use for the print, okay, and if it's permissible and we can do that, I would like for this Commission to see it before it actually goes out. Commissioner Odell said, good idea.

Chairman Liakakis said, our auditor's here, you know, an outstanding auditor, if you'd like to come forth and give us a report.

Mr. Cowart said, my name's Derrick Cowart, I'm with Karp, Ronning and Tindol. What we handed out just then is our ratios that we like to calculate for y'all every year, and on the sixth page which is headed "How Has Chatham Progressed?" once again the County appears overall to be in a sound financial position on June 30. Just a couple of the ratios that I like to look at is first of all the — it's item number eight, the general fund, fund balance, you have 9% which is within y'all's fund balance policy, so y'all are maintaining your fund balance. Also, the service district, we don't have them listed on the ratios, but I went back and took a look at it. It's still within your fund balance policy, but I guess my concern was the 43,000,000 reduction this past year in '09, and that fund can only handle that for a short period of time. And also too the other interesting thing that I saw was that the cost per person did decrease slightly from last year. So that's a good sign.

Commissioner Kicklighter said, I have a question. In your opinion, because just three or four years ago the SSD budget was in wonderful shape, five years ago maybe, what is the cause of the disaster within the SSD budget? Where did the big huge expense come from that put this in such bad shape? Mr. Cowart said, I believe it has probably been in the public safety area. Commissioner Kicklighter asked, in the Police department specifically? Mr. Cowart said, yes. Commissioner Kicklighter said, okay, thank you. I thought so, I just wanted to hear that from the auditor.

Chairman Liakakis asked, do you want to respond to that? Let our County Manager respond to that also.

County Manager Abolt said, well, there is no question that 50% of the dollars collected in the SSD go for police, and at the time, and Commissioner Kicklighter and Dr. Thomas and Commissioner Odell remember, at the time that the Police department was merged, it was never presented as a budget balancing or budget saving act. In fact, there was in the same breath an indication that taxes would have to be increased. The previous Commission did not do that so we were inheriting that, and that's why when you look at the SSD budget, and I mentioned in my budget message, for at least the last six or more years we have developed this very troubling dependency on using our savings, and we've drawn down fund balance now for at least six years just to keep SSD afloat, and that was, you remember, one reason why I recommended why I think in your first year not only an increase in taxes in M&O but also in SSD. That did not go forward and that added to the problem. But when you look at the overall funding of the city of the — the second largest city in the County, it's not allowed to even prosper from legitimate growth in the digest. That artificial cap really aggravates the problem we were just talking about right now, and I believe the exact figure was \$219,000, but in a \$28,000,000 budget, your digest growth is \$219,000. I mean, you can't accommodate anything with that, and that is the additional problem we have. You know, it's like, you know, if it wasn't for bad luck, we'd have no luck at all. You know, that's kind of what the SSD has been now for a number of years. Commissioner Kicklighter has many times talked about the rising expense, you know, in police service, and the fact that I know the Chairman can attest to the fact I believe personally only as one member that this County has taken the lead in getting your voice heard as far as funding the current police department as we know it and as we can see at least from the submittal of the City's staff, City of Savannah's staff they have responded and their budget does listen to what the Chairman has told them as far as all the County can afford. You still have the policy issue. I know, that Commissioner Kicklighter has talked about before as to how you're going to handle the future merged department, but from the standpoint of the overall solvency of the SSD, as I mentioned before, it's a train wreck about to happen due to a variety of causes.

Commissioner Farrell asked, what was the budget prior to the merger on average as a percentage of the SSD budget for police services? County Manager Abolt said, off the top of my head it would be around \$10,000,000. I mean, it was — that was M& — I would have to research it. I can't give you.

Commissioner Kicklighter said, including the M&O portion. County Manager Abolt said, that would include the M&O, yes sir. Commissioner Kicklighter said, my recollection of it was around \$4,000,000 back then for strictly the police services for the unincorporated areas, which ballooned to well over \$12,000,000. So it more than tripled —.

Commissioner Farrell asked, so as a percentage what would that be of the budget? County Manager Abolt said, I wouldn't —. Commissioner Farrell asked, about 15%? Commissioner Odell said, yes. Commissioner Kicklighter said, yeah because the overall budget would have been much lower back then. Commissioner Odell said, 15 to 40%. Commissioner Farrell said, so we —. County Manager Abolt said, the police expenditures doubled. There's no question about it. Commissioner Kicklighter said, it's tripled actually. Commissioner Farrell said, it sounds more like a tripling. County Manager Abolt said, yes sir, but you have the issue of M&O versus SSD so I don't want to be held to these numbers yet, but as I've told you repeatedly, you know, we discussed as a budget lever, the taxpayers in the second largest city, about 50¢ on every dollar collected goes for police service. Commissioner Farrell said, that's troubling.

Chairman Liakakis asked, do you have anything else or is that it? Mr. Cowart said, that's it. Chairman Liakakis said, okay. We thank you very much. As we can see what the auditor has brought and we have that auditor, they come every year to go over our finances, our financial report, and shows that the County's in sound financial shape. So we want all our citizens to know that, even though the budget is tight, and one of the things that this Commission has done is brought to our legislators, we mentioned this before, about the franchise fees. Here we go, the electric company is collecting fees for the citizens in the unincorporated area and they put it in a big fund and they distribute it to the cities. In other words, if we had that \$4,000,000, we could help out the SSD budget and we wouldn't be having the problems that we've got with the Special Service District in our County, and that's a sad state of affairs that this is going on, and the cities should not be getting the money that the County people are paying for those franchise fees. It should come to the County residents and hopefully with a lot of lobbying and all and the things that we're going to do and be talking to the other several counties that have the same SSD that we can get their legislators along with us to do it. And as Commissioner Harris [Odell] said —.

Commissioner Kicklighter said, I see Alderman Thomas. He wants to give that to us. I can tell.

Chairman Liakakis said, anyway what Harris [Odell] mentioned about the franchise fees and what's — that we're required to the State mandated things are out of order and all of this Commission has expressed themselves that we want to have a fair distribution to all of the citizens, you know, and to our community. Okay.

Commissioner Kicklighter said, Mr. Chairman, if I may in your defense and this Board's defense, this is not the body that approved the structure of that police merger. This is the group who has been attempting to correct some of the past mistakes, and I commend you for your efforts and your work so far, and I just want you to know I'm behind you on continued support on making it a fair agreement for everybody. Thank you though.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I just wanted to bring to the Commissioners' attention that there are counties all across this nation right now that are seeking taxes from online companies that are charging hotel fees but they are not sharing those fees with the counties, and this might be something that our County might want to look into. It seems to be far-fetched in a lot of places and they are having some good results, and I will share this information with Ms. Cramer and the Manager. County Manager Abolt said, and also this is something I know the Chamber of Commerce is most interested in representing the Convention and Visitors because I mean that's like blood to them. Commissioner Thomas said, exactly.

Chairman Liakakis said, that report that has just been given by our Finance Director and our auditor, they have Chatham County Selected Financial Ratios Presentation that was distributed to us this morning and, of course, the Comprehensive Annual Financial Report, and that's available for our citizens because this is an open commission and if people — any citizen in the County would like to look at our financial report, it answers all the questions and how your money is being spent, and that's available.

Chairman Liakakis recognized Ms. Cramer.

Ms. Cramer said, we also have that on line under the County's web page under the Finance Department so they can look it up there. Chairman Liakakis said, okay, thank you.

Commissioner Farrell said, I applaud your efforts to make sure that all the folks have access to our finances so that they can keep track at home of what's going on with their money. So thank you for doing that and making it easy for people to look up.

Commissioner Gellatly asked, does the paper — does Eric [Curl] have this report? Has he got one? Well, make sure he gets it. County Manager Abolt said, he was also briefed. Commissioner Gellatly said, they like to report good stuff. County Manager Abolt said, he was also briefed on this yesterday.

**ACTION OF THE BOARD:**

The Comprehensive Annual Financial Report was submitted to the Commissioners and Finance Director Linda Cramer and the external auditor Derrick Cowart were available for responding to questions presented by the Commissioners.

**AGENDA ITEM: IX-1**  
**AGENDA DATE: December 4, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** Transmittal of the 2009 Comprehensive Annual Financial Report and related documents including the Auditor’s Communication with Those Charged with Governance, Single Audit Schedule of Findings and Questioned Costs, Management Letter, and management’s responses to the Single Audit Findings and the Management Letter.

**BACKGROUND:** The 2009 Comprehensive Annual Financial Report (“CAFR”) will be submitted to the State of Georgia and the Government Finance Officers Association’s award program by December 31, 2009.

**FACTS AND FINDINGS:**

1. The CAFR represents the audited financial report of Chatham County prepared in accordance with generally accepted accounting principles. The CAFR presents the recorded financial transactions and activities of Chatham County for the period July 1, 2008 to June 30, 2009.
2. At June 30, 2009 the main operating funds of the County were the General Fund and the Special Service District. Components of fund balance for these funds at year end were:

<b>General Fund and Special Service District</b>		
<b>June 30, 2009</b>		
<b>(in 000s)</b>		
<u>Fund Balance</u>	<u>General Fund</u>	<u>SSD</u>
Components:		
Reserved	\$ 3,570	\$ 677
Unreserved, Designated	14,088	423
Unreserved, Undesignated	<u>12,203</u>	<u>6,713</u>
Total Fund Balance	<u>\$ 29,861</u>	<u>\$ 7,813</u>
Change from Prior Year	<u>\$ 6,006</u>	<u>\$ (2,917)</u>

3. The amount shown in the General Fund as Fund Balance – Unreserved, Undesignated of \$12.2 million is equal to approximately one month of operating expenditures.
4. In the Special Service District, the amount shown as Fund Balance – Unreserved, Undesignated of \$6.7 million is equal to three months of operating expenditures.
5. Amounts shown as Fund Balance - Unreserved, Designated in both operating funds represent designations of funds in excess of stated reserve policies. These funds have been designated to fund capital improvement projects or other significant organizational expenditures, e.g. contributions to the pension or OPEB trust fund. Any such use of the funds would be subject to authorization of the Board of Commissioners. In the General Fund, unreserved designated fund balance equals \$14 million. In the SSD Fund, unreserved designated fund balance equals \$423,292. Classifications in the SSD Fund do not incorporate budgeted use of fund balance in 2010 of \$1,575,996.
6. Budget schedules for County funds are shown on pages E-1 to E-7, and also starting on page F-5.

- 7. The CAFR includes the County’s government-wide financial statements. These statements present all activities of Chatham County on the accrual basis of accounting and include capital assets as well as long-term debt. Overall the County’s net assets as shown on the government-wide statements increased from the prior year by \$61 million. Most of the increase is the result of revenues received in advance of capital project spending (e.g. SPLOST funds).
- 8. The independent auditor prepares a Single Audit Report as required by *Government Auditing Standards* and *OMB Circular A-133*. This report includes a Schedule of Findings and Questioned Costs pertaining to fiscal 2009 activities. Responses to the findings are attached. A status report on the findings and questioned costs for fiscal 2008 is also attached.
- 9. A copy of the Management Letter with departmental responses is also attached.

**FUNDING:** N/A

**POLICY ANALYSIS:** The Finance Department remains committed to the timely preparation of financial reports and to the elimination of findings related to processes and internal controls.

**ALTERNATIVES:** N/A

**RECOMMENDATION:** N/A

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**2. REQUEST CONCEPTUAL APPROVAL TO PROCEED WITH STORM WATER UTILITY FOR THE UNINCORPORATED COUNTY.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this is a consequential moment, I guess, in the life of a lot of things, not the least of which is your concern for the quality of life within the County, the greenest County. Things have transcended, in part, financial consideration, so financial considerations are equally important. The idea of a storm water utility is driven by what we all value as clean water. They have been throughout the country and 40 other counties and some municipalities in the State of Georgia in embracing of a storm water utility to ensure clean water. You remember when Mr. Drewry stood before you two weeks ago prior to the consultant’s presentation, they had a brief PSA, public service announcement, that will be going out over Channel 16 showing the children enjoying themselves during a barbecue and then going to what amounted to an inflatable pool and finding the inflatable pool full of yuck, and their response was just that – yuck. That was a very simplistic way of communicating what our concern as a county, as a government is to preserve clean water and deal with non-point source pollution. For really generations now at the level of the national, state and now local there has been emphasis beyond just where we see industry possibly, you know, dumping into a river or a streambed, now the issue is what they refer to as non-point. Whatever bad stuff gets into our creeks and streams and rivers can come from nonspecific points, but it’s runoff, and it’s runoff that’s created in large part by what was referred to as impervious service. Impervious service by enlarge or asphalt driveways and acres of parking lots and acres of roof tops. What that means is, rather than Mother Nature absorbing the rains from the heavens and purifying those through the aquifers and that rain falls on those impervious services and picks up oil, gasoline, debris, other bad stuff, and carries it into the drainage system and into the water. So again for a long, long time one way this could have been, has been addressed successfully is to recognize this as a utility, and by using the term utility it means that there are certain benefits that can be quantified and certain charges assessed based on that quantification, and rainwater is no different. I know, tongue in cheek, that when I was in the State of Oregon many, many years ago it was referred to when other cities had it as rain tax. Of course, in Oregon there’s a lot of rain to tax. With that aside, I don’t want the tongue in cheek and cuteness of certain expressions to lose the direction and the importance of what you’re going to talk about today and hopefully in the months to come. We have to do a much better job of cleaning up waterways in Chatham County. We have to have a reliable source of revenue that systematically will deal with the very issues I’ve described which are not going to get better. We want growth, we encourage growth. That’s our seed corn in growing our digest, but growth translates into so many cases as more impervious service. It is quite reasonable to expect that as that occurs, charging for that incursion into that pure water is a legitimate financial policy. That’s what you have before you.

Now today let me explain. Beyond the lofty and very desirable issue of clean water, we have as you described so well just moments ago, a budget that funds our clean water program referred to as the Special Service District budget that is in a troubling situation. So you must layer onto that our ability to pay when it comes to the objective for clean water, and we have a problem. We have a problem just described a few moments ago that says we are going to have to make cuts in that Special Service District budget to balance it as we approach fiscal year 2011. We have committed to you, I have committed to all of you that we are going to provide you different options throughout the year to address the funding of the Special Service District as you approach fiscal 2011. We’ve had discussion and you’ve partially adopted a fee for dry trash service which was truly a benefit to each private property

residential payer. Now we have the issue of how do we deal with these impervious services and, more importantly, how do we protect clean water. It is not a new concept, as I said. The consultants have told you there are 40 such utilities within the State of Georgia. I know that Garden City is the latest and the closest to us, but I would also like you, even though we do not necessarily always want to go north of the river, but there is a very popular radio station on that is broadcast north of the Savannah River and my wife, Diane, loves to listen to it so in the morning when I'm eating breakfast I can't control what comes out over the air, but this radio station representing Beaufort County continually and for a number of years has touted itself as having pure water and having an organization called Citizens for Clean Water and Their Storm Water Utility. That is no different than what we're talking about here in 2009-2010. But today I'm not asking you to adopt a Storm Water Utility. What I'm asking you to is really to follow a lesson I learned many, many years ago. When faced with a difficult, complex, involved problem, like coming up with a financial strategy to solve all the ills of the Special Service District, keep your options open. And by that I mean I think that today a conceptual approval of this is not saying to those future rate payers that you're going to, in effect, immediately come the first of July invoke this. That may in the final decision not be your choice, but I think to close the door now based on the fact that we've given you information from other counties, given you what as the Chairman said when we talked about the audit, he says it's an open process. The doors are not closed, we're not trying to sneak anything by anybody. This is a very public process. We are going to be entering budget discussions on the SSD, a strategy which I think is very legitimate for you to consider in your quiver when it comes to errors you may fire to balance the SSD budget could include a storm drain utility. All you're doing today is saying is proceed with the further development of it. If you look at the report from the consultant, now what does that mean? If you give this conceptual approval, not adopting the storm water utility, we will take the next several months in customer education in developing more specific costs for this utility. You will not adopt it, if you choose to adopt it, until June. You will not adopt it until you begin and end your budget process, which would include some very difficult decisions on the SSD budget. I would ask you to give the conceptual okay with the understanding for all who listen, all who are viewing, that this in effect is a conceptual approval with no final commitment to do this. It preserves your options.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Mr. Chairman, I will make the motion to approve the conceptual plan as outlined by the County Manager. Chairman Liakakis asked, do we have a second? Commissioner Holmes said, I second.

Chairman Liakakis said, we have a second. Now we will have discussion. Dean [Kicklighter].

Commissioner Kicklighter said, thank you. In the information section of the agenda, if you look at the top of page two, entitled Policy Statement, it says at the Board's request, staff is presenting alternatives to transition from dependence on the Special Service District tax base to a more equitable user fee system. So having said that, I commend staff for actually moving ahead to find something that's a more — it's a better system than just constantly increasing property taxes. At this point, it is my understanding that people who do not pay property taxes, such as the Georgia Ports Authority, would have to pay the monies for this type of user fee system. So this is one of those in my opinion that would be a more — a fairer tax than property taxes because it's spread to more people than just our property owners right there, the ones — because right now we have many that are exempt. However, it would only be more equitable if property taxes are actually rolled back to match the anticipated increase in revenues from this fee, and it's my understanding based on the information that I have that that could possibly equate to a .845 mil decrease now when passed, and in future a .95 mil decrease. So conceptual approval to me with this is a good way if conceptually we add into — if we add into this plan at this point that we're basing the increases and with all intent to roll back the revenues because, if not, this is a double fee on the property owners. And so, that's kind of what we had with the other fee increase on the residents of the unincorporated areas for dry trash pickup except we did not roll back the millage rate for that and I would encourage everyone up here that, you know, it's not the storm water that's bankrupting the SSD part of the budget. It wasn't the dry trash pickup that was bankrupting that part of the budget. This is a good way to raise revenues without just simply hurting the property owners, and the only way to do that is, like I said, we need to roll back whatever revenues of the property taxes match those revenues that we will be receiving. And I would love to see it if you would amend your motion and the second to include conceptual approval with a roll back to match the revenues.

Chairman Liakakis said, now this is just to look at it to bring information to us. We are not voting on this today, none whatsoever, and the education to the general public will be — we'll having hearings and all on that, but it will not be a situation that we have any kind of voting in the future or anything. It's just bringing the information so that we can see the best way that we can do things for our citizens. Okay, go ahead.

Mr. Danny Powers said, I want to give you some facts. Chairman Liakakis said, go ahead. Mr. Powers said, there has been mention that the storm water fee will be made part of the Chatham County tax bill, and I do want to point out some things as you move forward with the concept. First of all, let me say that this is a fee, okay. It's not a tax. It's not lienable, okay. So your plan or the conceptual plan is to make this part of the Chatham County tax bill, and I can tell you that I'm not supporting that. This will cause absolutely chaos that if it's on the tax bill and it reaches the delinquency stage, okay, then I'm not able to enforce any nonpayment of this fee. In addition to that, all of your exempt properties: churches, nonprofit organizations, schools including Chatham County schools, Georgia Ports Authority, any nonprofit in the SSD will be levied this fee. Some people that do not receive any bill, you know, whatsoever, and I do think it's very important that you understand that. If and when someone decides not to pay this, and I sent you folks a memo back on November 13<sup>th</sup>. I don't know if you saw it or read it —. County Manager Abolt said, it's in their packet. Mr. Powers said, yeah. It's in your packet. If you read it, it basically explains that

to you. If it's not paid, I can't move forward in the delinquent process with this figure on it. So it would have to be removed and then some other department would be enforced, and I would assume that would be the County Attorney's office because he would actually have to file suit through the court and personal service and the Sheriff's Department involved and the courts involved, and what not.

Just briefly, some of these figures that we calculated based on the surface was kind of astonishing when you read some of the numbers. I know they gave you a brief situation here at the last meeting in the presentation, but there's a distribution warehouse on here that I'm not exactly where it's located in the unincorporated area, but we're looking at about a \$22,000 storm water fee based on the amount of cement, concrete, whatever. The Whitemarsh Public Shopping Center is about \$7,000 and it goes on and on from there. Georgetown Elementary School, \$5,300. Though the impact on the actual residents is a smaller amount, somewhere in the \$60 range, where you're going to get your big hit is all these commercial businesses out here that this additional fee is going to be passed on to, and again I can tell you that if it's not paid, it's not lienable and it's not collectable.

Chairman Liakakis said, it's not collectible as far as your office is concerned. Mr. Powers said, absolutely. Chairman Liakakis said, but we understand that, so it is collectable. Let me just say this. We have not voted on this yet. We're getting the information to the public, but I don't want anybody to think that it's not collectable because it is collectable, but not by your office.

Mr. Powers said, that's exactly right. It's not collectable by my office and that's why I'm not interested in — you assumed to put it on part of the tax bill to make it as part of the tax bill, but I'm telling you that I'm not going to put it on the tax bill. That's not — I'm not going to do that. I'm not going to participate in that. It causes — very problematic for my office. The whole concept in reading through their plan is to put it on the tax bill and the high percentage of collection is going to come from the homeowners because it's on the — it's escrowed, and if you look at the SSD, only 40% of the parcels in the SSD have an escrow or mortgage account. So that still leaves you with quiet a challenge in this. So whoever is going to take this on is going to have a remarkable challenge. I just wanted to point that out to you.

County Manager Abolt said, if I may, Mr. Chairman, because I'm very sensitive to our relationship with the Tax Commissioner. I appreciate what he's done in helping out with the dry trash fee. Our consultant is very much aware of that. He wants time and, of course, we don't have the time unless you allow us conceptually to approve it, but in that very report to you, he said, you know, the storm water user fee line item charge semi-annual tax charge, similar to DeKalb and Gwinnett Counties that have this, so again not trying to — we'd never debate the specifics of it in this setting, but please give us the chance to work with the Tax Commissioner, allow our consultant who is extremely familiar both with the plights and predicaments of collection and also Georgia law, to address the very problems that Mr. Powers has brought to your attention.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, good morning, Danny [Powers]. Mr. Powers said, good morning. Commissioner Odell said, forgive my voice. This would not go on the tax bill because it's a fee and not a tax, is that true? Mr. Powers said, absolutely. So conceptually when we're going through this process, Russ [Abolt], that's a — I think you make that determination. Mr. Powers said, yes. Commissioner Odell said, I don't think we make that determination. That is within your bailiwick, that's your decision. My position on whether or not we do a rollback, we're going to pick up some additional people who are not paying anything now like the Georgia Ports Authority, additional monies from parking lots and the Publix where we go and other places. Mr. Powers said, every church in the unincorporated area will get a bill. Commissioner Odell said, all of them. Mr. Powers said, all of them. Commissioner Odell said, and if we did just the amount of money collected and rolled that back based up the number of homeowners, then conceptually, potentially we could give them a bigger break than what they were, so what I would like to see us do really is to look at all of the challenges that we have with this realizing that there are going to be some challenges, for us to spend some time in consultation with our partners, and our partners would be Danny [Powers] and his office, would be the Board of Education because this would impact them. Mr. Powers said, the way I read it, yes sir. Commissioner Odell said, and we are not approving anything at this point except that it's something that we need to look at. We're keeping our options open. I appreciate your input, Danny [Powers]. That's a limitation. We put that limitation on, we throw in the mix the concerns that the Eighth — I'm sorry — the Seventh District Commissioner Kicklighter has, and a report comes to us at some point taking all of those factors in consideration.

County Manager Abolt said, what we'll have for you, sir, is to kind of have a status report when you have your goal session sometime in late January or early February, but because of the fact that this has changed and change is never easy, we always put a premium on the maximum number of folks knowing about this, starting with y'all.

Commissioner Odell said, yeah, and — but there's some crucial people who have to know about it. He has to know about it and be a part of it, the Board of Education has to know about it and be a part of the mix, and obviously we should know about it. I don't think we're approving anything except do we want to go forward. That's the motion. Whether or not we go forward and perceptually review it and come back for a vote as to the particulars or whether or not we kill it right here.

Mr. Powers said, I just simply wanted to pass this information on. Commissioner Odell said, no, I appreciate your coming, Danny [Powers]. I mean, you know, I value your opinion. Even though I don't agree with you sometime, I still value it. Mr. Powers said, yeah. It works both ways.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, you know, I'm a little concerned that this option may be a little premature. We've got a Special Service District that is heading, you know, slowly in the wrong direction financially speaking. We're not there yet. The two large items that would correct this problem that I see that are viable are the police budget and the franchise fees, not necessarily in that order. Those — either one of those or both of those items would easily correct the situation of the apparent decline in the financial help of the Special Service District. At this point, although this is an option, it — I believe it is premature in that we haven't fully addressed the other two larger more consequential items that would right this problem and send it in the correct direction, and although I commend staff for their interest, which I share, in clean water and good drainage for a low-lying community that we are here on the coast, I believe it is premature that we should spend more resources on pursuing this idea at this time and spend more of our time — human resources and financial resources — looking at a more equitable police merger financial agreement and to correct this gross injustice of taking franchise fees from Special Service District citizens, all 80,000 of them are affected, and sending it over to another political subdivision with no strings attached. Those of the two biggies that I would like this Commission and everyone to look into at this point and concentrate on those and maybe put this idea back a little bit in the pecking order of priorities, and that's what I feel like that we should do, how I feel about the situation currently.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I have to agree. I think as a last resort something like this is something to look at, but we're skipping all around the true problem with the budget, which is absolutely the problem is the police budget period, and yes it's not fair as far as the franchise fees, and that's something we definitely should go after, but we've never actually received those fees. Again, just the realization of how broke the SSD budget is has brought our attention — the need to collect every penny, everywhere possible, which, you know, it is only fair that we get the monies from, you know, the people in the unincorporated areas paying the fee, it should go back to them rather than the people in the cities, but I don't even at this point care to have a motion amended or whatever because I think we're premature with it also. I think we need to address the problems at hand and now that Danny [Powers] stood up and said he won't even put it on the bill, that makes me feel better. I was just trying to get a little wind at first, but Danny [Powers] ain't going to put it on there, so I'll just vote no on it. Thank you, Danny [Powers].

Chairman Liakakis said, let me respond to that. That's a legal question, okay, Dean [Kicklighter], so that you'll know that. That's a legal question about whether you can put it on there, and the County Attorney has discussed that with me. But the situation is now that we have a motion on the floor to see conceptually. We are not taxing any people at this particular time. The only thing we're doing is what the County Manager has recommended to this Board to see what we would like to do is to go ahead and ask them to proceed with it, get all the information in, and then it can be, you know, it can be stopped any time by this Board.

Commissioner Odell asked, may I, Mr. Chairman? Chairman Liakakis said, yes. Commissioner Odell said, my reason for making the motion is that SSD has very little impact on my district. Very little. My district is 99.9% M&O and we financially are healthy. I don't think that the three items are mutually exclusive and we're treating them as they're mutually exclusive, which they're not. What we're saying is that we have a concern with the growth of our police budget, which is a legitimate concern looking at the amount that it consumes. We have the franchise fees, which we've never gotten and which we should be getting, which could solve our problems. We also have a concern with storm water runoff and how to remediate that situation, which is a third element. This motion doesn't say we're going to approve to do anything except study it, advance it so that it so that when we get to the point of March, April, May, and we look at other options, this option might be more attractive than some of the other things we might be faced to do. We do not approve instituting a franchise — instituting a storm water fee. This does not do that. It simply says let's simply study it so that if events presents themselves and we have a need to go forward, we'll be in a better position to make a rational decision, and don't take it as meaning I don't want us to continue to look at the police. The franchise fee concerns me substantially, and I've think I've been as bigger supporter of a change in that inequity as anyone on the Commission, but I just want us to look at this to have it as an option. We might at the end of the process conclude that it is totally invalid, we do not have the structure that would make it work, that the impact that it would have on our partners in this community, and we live in a community with other governmental bodies just like the Board of Education, that we just can't do it. The cost benefit would not justify our taking this action. But we won't know that unless we take a deeper look, and this is just a request for a deeper look.

Chairman Liakakis said, Priscilla [Thomas] and then David [Edenfield].

Commissioner Thomas said, thank you, Mr. Chairman. I only wanted to say that this process is only to look after the different resources or items out there that might be beneficial to us. That's why it's in the conceptual stages, and if we don't take a look and we keep talking about it and keep bringing it up every time we get ready to discuss it, and we haven't researched anything, we haven't looked into it to see whether we can do better or not, then we're still at a standstill, so it's a conceptual approval and staff will go out and research whatever needs to be researched. It will come back to us. We have an opportunity to either vote it up or vote it down. It's as simple as that.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, I just had a question. It occurs to me that the County Manager has the authority to do this on his own anyway, and then secondly why do we have to vote on it. Why don't we just instruct the County Manager to consider that with everything else he's going to consider? Just a thought.

County Manager Abolt said, this is more I guess form than substance because certainly I could do that. I know when I presented last time something as relatively inconsequential as the solid waste fee, even though we discussed it in the context of recycling, I think some members of the Board felt that y'all want to be more a part of that process. I think because you use the current term on the street to push-back, the push-back you would get on this, where I could do this on my own, and absent some sort of formal approval conceptually, might create situations in which you became less than enamored by the idea because it's my idea and not something in which you felt like at least you've felt like this was an open process for which you wanted to preserve your options. I could do it either way. Obviously, because of past experience, stars in my back that are just healed up, I would prefer you conceptually to say you want me to continue or not to continue.

Commissioner Odell said, but if you did it, it gives us an opportunity to blame you. County Manager Abolt said, yeah, that's why I said that. It wouldn't be the first time.

Commissioner Gellatly said, Russ [Abolt], we pay you big bucks to get those scars, okay, and I still maintain you have the authority to do that, and if you want our blessings through our leader, the Chairman can just instruct you to do it. I don't see the necessity of this vote.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I think Commissioner Odell you hit something right on the head. The people that are — the ones getting stung with this basically, it's Commissioners Stone, Farrell, Gellatly and myself. We represent together basically all of the unincorporated areas, and I would kind of equate if you don't have it, it's pretty much equal to saying, okay, you have the hornet's nest in your district, it's not in mind and walking over and just knocking the heck out of it with a stick and walking away. I mean, it's us getting stung.

Commissioner Holmes said, Mr. Chairman, please let me say something to Dean [Kicklighter]. Commissioner Kicklighter said, in the middle of my saying. Commissioner Holmes said, Dean [Kicklighter], I'm so glad you recognizing that. So glad. I'm so glad you're recognizing that because what Odell is saying and what you just said just now is so true. So the question I ask, why —

Chairman Liakakis said, why don't you let him finish, James [Holmes]. Commissioner Holmes said, he was through, he was through. Commissioner Kicklighter said, I wasn't through, but —. Commissioner Holmes said, alright, go ahead, Dean [Kicklighter]. Chairman Liakakis said, go ahead.

Commissioner Kicklighter said, I appreciate that. Yes, I'll yield to Commissioner Odell.

Commissioner Odell said, Mr. Chairman, with that yield, I'll withdraw the motion and will the second withdraw his second? Commissioner Holmes said, I'll withdraw my second. Commissioner Odell said, the motion is withdrawn. Commissioner Holmes said, there you go.

Chairman Liakakis said, okay, so there will be no more discussion on this. We'll have a discussion in there because what we're looking at is to see what can be done and, of course, in the Special Service District budget we know we've got a lot of problems in there, but hopefully myself, working with those other counties, we get all those legislators so that what we can have is that franchise fee come in because we know that that will really help the budget situation because I say it again, it's unfair for the citizens in the Special Service District, the unincorporated area of this County, to be paying franchise fees that goes to some city for distribution, and they have no say-so in it. And so we'll go from there at this time and then we can make a —, we'll be talking about what we want you to do, Mr. Manager.

County Manager Abolt said, if I may, only because Commissioner Gellatly, you know, proffered something, this is — would be — would have been a substantial commitment of staff time, and I never do that absent your knowledge of that. And so unless there is some conceptual okay, which I now sense will not come forward, we will put this as an option, but there will be no more staff time spent in trying to perfect the specifics of how it might be collected, the specifics of charges, and so on and so forth.

Chairman Liakakis said, okay.

#### **ACTION OF THE BOARD:**

A discussion was held on conceptual approval of a Storm Water Utility for the unincorporated areas of Chatham County with several Commissioners expressing concern that the idea was premature. The motion and second that were initially made for conceptual approval was withdrawn and the County Manager stated that no further staff time will be spend in trying to perfect the specifics of a Storm Water Utility.

~~AGENDA ITEM: IX-2~~  
~~AGENDA DATE: November 20, 2009~~  
AGENDA ITEM: IX-2  
AGENDA DATE: December 4, 2009

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Robert W. Drewry, Director of Public Works and Park Services

Issue: Presentation by consultant on the feasibility of creating a Storm Water Utility for the unincorporated County.

Background: Over the last 10 years local governments in the State of Georgia have implemented the Storm Water Utility concept to address storm water management operational needs and priorities in a more fair and equitable manner.

Facts and Findings:

1. A Storm Water Utility shifts operation and maintenance from a tax based funding system to a user fee based system as a proven fair, equitable and stable method to fund storm water management programs.
2. There are approximately 40 Storm Water Utilities in the State of Georgia including Garden City, Hinesville, Gwinnett County and Columbia County to name a few.
3. At the request of the County Manager, staff pursued the solicitation of a consultant to examine the Storm Water Utility concept for Chatham County. On June 12, 2009 the County hired Ecological Planning Group to conduct a Storm Water Utility Feasibility Study. The study is complete and the recommendations are shown in the attached Executive Summary dated November 4, 2009 (Attachment 1).
4. The City of Savannah is concurrently assessing a Storm Water Utility concept. Staff has met with representatives of the City to determine program similarities and differences hoping to capture potential coordinated efforts.
5. Also attached is a memo from the Tax Commissioner in response to an informational meeting with staff on the study (Attachment 2).

Funding:

Funding is not requested at this time, however, a Storm Water Utility shifts operation and maintenance from a tax based funding system to a user fee based system as a proven fair, equitable and stable method to fund storm water management programs. Assuming the Board chooses to move forward, the consultant will be asked to finalize program details as additional work to their current contract.

Policy Statement: At the Board's request, staff is presenting alternatives to transition from dependence on the Special Service District tax base to a more equitable user fee system.

Recommendation:

Informational Only. At your next meeting on December 4, 2009, staff will request conceptual approval to move forward with the Storm Water Utility.

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**3. REQUEST BOARD DENY REQUEST FOR TAX REFUND OF JANET BERTZ FOR TAX YEARS 2000 THROUGH 2005.**

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, yes, this is a request by the taxpayer to have taxes refunded all the way back to the year 2000. In 1999 there was a divorce and somehow or another, through inadvertence, error or whatever you want to call it, the homestead exemption was removed off that property. It was caught by the taxpayer and brought to the attention of the Board of Assessors. They reinstated the value of the property for the base year back to 2000 so it would meet Stephens-Day Law. They also refunded taxes for 2006, 2007 and 2008, and there is a State statute that says you can refund taxes back to three years and, therefore, based on that statute we recommended not going back behind those three years. In all candor, the Commission has done that before, but that's still the opinion of

what the County Attorney believes is appropriate for years of back taxes by statute. The matter came up before the Legislature several years ago, two or three years back, to extend that back further. It was voted down. It seems to me it gives the impression by the State Legislature that three years was three years. That's up to you guys.

Commissioner Farrell asked, what are the ramifications of going beyond three years? County Attorney Hart said, well, you would be in violation of the State statute that says you shall only refund three years.

Chairman Liakakis said, Danny [Powers], come forth and explain that.

Commissioner Odell asked, what's the consequence of that? Would it be like the prisoners in which the State does not pay us for? I mean, so we — there's a wrong. The wrong was not the individual's doing. County Attorney Hart said, that's correct. Commissioner Odell said, the law limits our remedy on correcting that law, not from the time of the wrong but from an artificial time period. Is that is? County Attorney Hart said, that pretty well sums that up. Commissioner Odell asked, is that it, Danny [Powers]?

Mr. Danny Powers said, yes. Over the years, and I know that at the last Commission meeting you dealt with this, I believe the taxpayer's name was Cooper, and it was the same situation. We've had this with this Commission, previous Commissions, what have you. I've come represented the taxpayer just to do the right thing, and the right thing is their homestead was dropped. They didn't get the benefit of the homestead for all these back years. It was discovered actually by us during the collection process. It was brought to the attention of, you know, the Board of Assessors and went through the County Attorney's office, of course he's opining what the State statute is, but this policy has taken — this Board has taken the policy over the years to go beyond that and make these people whole. And I sent you a memo regarding that and I certainly hope that you honor that request.

Commissioner Odell asked, where's the property located? Not that that makes a difference. Mr. Powers said, I don't have it with me. Ms. Burch? Redan Drive. I'm not sure where that is. Commissioner Odell asked, what district is that? Mr. Powers said, she said Battery Point. Chairman Liakakis asked, and what's the amount? Mr. Powers said, Four. That's your district?

Chairman Liakakis said, Fourth District. Mr. County Manager, what's the —. County Attorney Hart said, it would be \$2,389.63. Chairman Liakakis asked, the total amount? County Attorney Hart said, yes sir. Chairman Liakakis said, two thousand. County Attorney Hart said, for 2000 to 2005. We've already rebated the first three years. Mr. Powers said, yeah. Chairman Liakakis said, in other words the request from Ms. Bertz is those years. 2006, 2007 and 2008 has already been rebated? Mr. Powers said, that's been done. This goes back beyond that to make her whole. Something that she should have had to begin with. Chairman Liakakis said, so the Tax Assessor's office made the mistake then? Mr. Powers said, yes, they inadvertently dropped her homestead exemption. She went that entire period without a homestead exemption and simply overpaid her taxes.

Commissioner Farrell said, at the risk of offending the State Legislature, I think the right thing to do in this case is to refund this person's money that was paid in excess of what should have been paid. Commissioner Stone said, I'll second that.

Chairman Liakakis said, the simple facts of the matter is that Ms. Bertz was paying taxes that she should not have been paying. That's unfair to the citizens and even though we've got that three year limit by State statute, because the County department, the Tax Assessor's office made that mistake, and it has been negative toward Ms. Bertz all these number of years. I think that needs to be rectified. That's my opinion. We need a motion on the floor and a —. Commissioner Stone said, we already —. Chairman Liakakis asked, have we got the second? Commissioner Odell said, Pat [Farrell] and Helen [Stone] seconded it. Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

Commissioner Odell asked, now Jonathan [Hart], there's nothing that we need to do to put on the record to consummate this to show that our actions were not arbitrary or capricious? County Attorney Hart said, no. Chairman Liakakis said, yeah, because my position is we want good citizens to pay taxes. We don't want them to overpay taxes. So this lady was not given something that everybody else was given, and that is to me inherently unfair and we need to resolve that, which I'm proud to see that Pat [Farrell] made the motion.

#### **ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the request to refund Janet Bertz a portion of taxes paid for tax years 2000 through 2005 on property located at 114 Redan Drive, Savannah, GA 31410. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: IX-3**

**AGENDA DATE: December 4, 2009**

TO: Board of Commissioners

THROUGH: R.E. Abolt, County Manager

FROM: R. Jonathan Hart, County Attorney

**ISSUE:**

To request Board deny request for tax refund of Janet Bertz for tax years 2000 through 2005.

**BACKGROUND:**

On October 5, 2009, Janet A. Bertz requested that the County refund a portion of taxes paid for tax years 2000 through 2005 on her property located at 114 Redan Drive, Savannah, Georgia 31410 after she learned that the homestead exemption in her property was erroneously removed following her divorce in 1999. (Exhibit 1)

Pursuant to a previous request by Ms. Bertz, on November 24, 2008, the Tax Assessors' office, pursuant to their authority, delegated by the Commission to correct obvious clerical errors (Exhibit 2), reinstated Ms. Bertz homestead exemption and adjusted the base year value to the 2000 value of \$89,500. (Exhibit 3). In addition, the Tax Assessors' office has adjusted the taxes owed for tax years 2006, 2007 and 2008, and the Tax Commissioner's office has refunded any overpayments for said years. (Exhibit 4)

However, pursuant to the applicable law, on October 7, 2009, the Tax Assessors' office notified Ms. Bertz that, pursuant to O.C.G.A. § 48-5-380(b) any refund to her would be limited to three years prior to the date of the refund request. (Exhibit 3).

O.C.G.A. § 48-5-380 (a) authorizes a refund to taxpayers of taxes which are determined to have been erroneously or illegally assessed or which have been voluntarily or involuntarily overpaid. A refund may be requested three years after the date of the payment of the tax to the County. O.C.G.A. § 48-5-380 (b).

Subsequently, Ms. Bertz submitted her request for a partial refund for tax years 2000 through 2005 to the County Attorney's Office. (Exhibit 5)

**FACTS AND FINDINGS**

1. Ms. Bertz has requested a refund of a portion of real property taxes paid for years 2000 through 2005 based on an error in removing the homestead exemption on her property.

2. The Tax Assessors' office has reinstated Ms. Bertz's Homestead exemption, and adjusted the base-year value to the 2000 Stephens Day value. The Tax Assessors' office has also corrected Ms. Bertz's accounts for taxes on her property for 2006, 2007 and 2008. The Tax Commissioner's office has refunded any overpayment of taxes for said years.

3. Ms. Bertz's refund claim for tax years 2000 through 2005 is time barred under O.C.G.A. § 48-5-380 (b) because more than three years have elapsed since the payment of the taxes for those years.

**FUNDING:**

Delinquent collections of the Tax Commissioner's Office.

**ALTERNATIVES:**

1. Do not grant any additional refund to Ms. Bertz.
2. Grant refund to Ms. Bertz in the amount of \$2,389.63 for tax years 2000 through 2005 based on an error in the removal of the homestead exemption on her residence. <sup>1</sup>

**POLICY ANALYSIS:**

The refund request for tax years 2000 through 2005 is time barred.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

RJH/dkm  
attachments

cc: Daniel T. Powers, Tax Commissioner  
Sheryl Snider, Chief Appraiser

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<sup>1</sup>Ms. Bertz has already been refunded for years 2006 through 2009. However, she was overpaid \$69.48 for 2006; \$67.76 for 2007; \$68.52 for 2008 and \$331.26 for 2009 for a total overpayment of \$537.03. Therefore, she is due a net refund of \$1,852.60.

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#### **4. REQUEST BOARD APPROVE REQUEST FROM PARK VILLA REDEVELOPMENT, INC., FOR A PARTIAL TAX REFUND FOR TAX YEARS 2007, 2008 AND 2009.**

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, yeah, this is a recommendation of the County Attorney's office for a partial refund for tax years 2007, 2008 and 2009. It arises out of a kind of unusual situation. Park Villa Redevelopment Company acquired Sunrise Village Apartments. January 1 of the year they acquired it was in another entity's name. As part of the sale and transaction, there was a question of value of the apartments. The purchaser took a power of attorney to represent the entity that was owing it as of January 1 to appeal it before the Board of Equalization because they believed the value was too high. They did so. The values were knocked down from \$70,000 a unit, I think, back to \$50,000 a unit, which would have given them a refund. Well, the Board of Equalization rule creates a two-year freeze in a typical situation; however, the next year the Board of Assessors raised the values back up to the 2007 or back up to the \$70,000 saying that the property was transferred during the calendar year which triggers a revaluation. Mr. Walmsley represents these people and pointed out to us that in order to do that under the statute, we have to declare that we do an independent investigation and find some modification or substantial change in the property. Freedom — an open records request was made of all the documents showing the investigation and apparently lacked that department. I think they are correct. We could not revalue it. They were subject to a two-year freeze. The interesting part of this is that during the two-year freeze the State Legislature came in and under the 399 of the State Legislature put in an additional freeze. So by not returning the property in the following year, they are also entitled to a refund for that year. So in essence we are in a situation in which they are entitled to a partial refund for years 2007 and about \$20,865, 2008, \$21,999 and they are going to pay their taxes for 2009 but would be based on a revalue, they would be entitled to \$20,544.03. They are entitled to approximately a sixty some thousand dollar refund is the way I read the statute.

Commissioner Odell said, I'll make the motion. Chairman Liakakis asked, do we have a second? Commissioner Thomas said, second. Commissioner Holmes said, second. Chairman Liakakis said, let's go on the board. Commissioner Odell said, okay. Tim [Walmsley] has been here the whole time. Chairman Liakakis said, well, Tim doesn't have to say anything if we vote on it. He's just representing the people. He's going to make his fee. He's done a good job.

Commissioner Farrell said, we're going to save his client some money by sending him home quicker.

Chairman Liakakis said, and what I'd like to do —. Commissioner Odell said, you need to have greater respect for lawyers in this meeting. Chairman Liakakis said, I have a lot of respect. You're one of them. Mr. County Attorney, I wish you would take that law and give it to the Board of Assessors so they fully understand that so we don't have a negative towards our people, you know, our taxpayers and our community that we're supposed to be doing the right thing. I know sometime people make mistakes, but let's go ahead and do that, okay.

County Attorney Hart said, it was an oddball set of facts and once we were able to ferret out all the details and apply the various rules, I think the Assessors and Mr. Walmsley and myself pretty much agree to what we —.

The motion carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

Commissioner Odell said, just for the record we need to know that Tim [Walmsley] has done an excellent job on handling the file. Commissioner Farrell said, way to go, Tim [Walmsley].

#### **ACTION OF THE BOARD:**

Commissioner Odell moved to approve the request of Park Villa Redevelopment, Inc., for a partial tax refund for tax years 2007, 2008 and 2009. Commissioners Holmes and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: December 4, 2009**

TO: Board of Commissioners  
THRU: R.E. Abolt, County Manager  
FROM: R. Jonathan Hart, County Attorney

**ISSUE:**

To request Board approve Park Villa Redevelopment, Inc.'s request for a partial tax refund for tax years 2007, 2008, and 2009.

**BACKGROUND:**

On January 11, 2006, the subject property, consisting of 74 units and known as Sunrise Village Apartments, was purchased by Park Villa Ventures. (PINs 2-0061-01-002 through 2-0061-01-076 hereinafter referred to as "Property"). On January 17, 2006, Park Villa Ventures sold the Property to the petitioner Park Villa Re-development, Inc. ("Petitioner")

Park Villa Ventures provided Petitioner with a power of attorney authorizing Petitioner to file an appeal for the 2006 tax valuation of the Property. The 2006 tax value of the Property was \$5,800,000 (\$78,500 per unit). The Petitioner appealed the Board of Assessor's (BOA) value to the Board of Equalization (BOE). The Property was transferred before the BOE ruled and the new owner proceeded under its power of attorney from its predecessor in title. The BOE reduced the value of the Property to \$3,700,000 (\$50,000 per unit) (hereinafter referred to as the "2006 Tax Value").

In 2007, the BOA reassessed the Property back to the 2006 value originally assessed by the BOA, (78,500 per unit). It appears that the basis for the BOA's reassessment of the Property was that the property was transferred to the Petitioner in 2006.

Petitioner contends that pursuant to O.C.G.A. § 48-5-299(c), the 2006 tax value should have been effective for two successive years barring an investigation into the fair market value by the BOA. In a letter dated March 26, 2009, Petitioner's counsel, requested that Petitioner's request for a partial refund for tax years 2007 and 2008 be considered by the County Commission. (Attachment 1)

O.C.G.A. § 48-5-299 (c) provides:

"Real property, the value of which was established by an appeal in any year, that has not been returned by the taxpayer at a different value during the next two successive years, may not be changed by the board of tax assessors during such two years for the sole purpose of changing the valuation established or decision rendered in an appeal to the board of equalization or superior court. In such cases, before changing such value or decision, the board of assessors shall first conduct an investigation into factors currently affecting the fair market value. The investigation necessary shall include, but not be limited to, a visual on-site inspection of the property to ascertain if there have been any additions, deletions, or improvements to such property or the occurrence of other factors that might affect the current fair market value and a review to determine if there are any errors in the description and characterization of such property in the files and records of the board of tax assessors."

(Emphasis added).

The Petitioner did an Open Records Act request to receive information concerning the onsite investigation and no documents or evidence was produced.

Subsequently, petitioner revised its requests to include a partial refund of its 2009 taxes paid on the above referenced parcels. In support of this request, the Petitioner points to HB 233 that passed in July, 2009. HB 233 imposed a moratorium on real property assessments beginning January 1, 2009 and continuing until January, 2011. The operative argument is the **Petitioner contends that the Property's assessed value for 2009 should be the same as the value assessed in 2008. As noted above, Petitioner contends that the 2008 value should have been the 2006 value due to the two-year freeze provided for in O.C.G.A. 48-5-299(c).**

O.C.G.A. § 48-5-380 (a) authorizes a refund to taxpayers of taxes which are determined to have been erroneously or illegally assessed or which have been voluntarily or involuntarily overpaid. A refund may be requested three years after the date of the payment of the tax to the County. O.C.G.A. § 48-5-380 (b). A claim for refund of taxes that is not based on any inaccuracy in the factual record or in any illegality in the procedure used to reach the assessment, but on a disagreement with the amount thereof is not authorized. Gwinnett County v. Gwinnett I Ltd. Partnership, 265 Ga. 645, 647 (1995). The refund statute may be utilized when it is claimed that a taxing authority assessed and collected taxes in violation of federal or state law. National Health Network, Inc. v. Fulton County, 270 Ga. 724, (514 S.E.2d 422) (1999).

**FACTS & FINDINGS:**

1. In 2006, Petitioner filed a tax appeal with BOE for tax year 2006 regarding the valuation of its property consisting of 74 units known as Sunrise Village Apartments and identified as PINs 2-0061-01-002 through 2-0061-01-076 (Property).
2. On August 21, 2006, after a hearing, the BOE changed the valuation of the Property to hearing, reduced the assessed value from \$5,800,000 (\$78,500 per unit) to \$3,700,000 (\$50,000 per unit) (hereinafter referred to as the "2006 Tax Value").
3. Pursuant to the tax freeze provisions of O.C.G.A. § 48-5-299(c), the value of property established by an appeal to either the BOE or Superior Court in any year, may not be changed by the BOA for two successive years, absent either a return by the taxpayer at different value or an investigation into the fair market value by the BOA.
4. The Property was not returned by the taxpayer at a different value nor did the BOA conduct an investigation into the Property's fair market value.

**FUNDING:**

Delinquent collections of the Tax Commissioner's Office.

**ALTERNATIVES:**

1. Grant Park Villa Redevelopment, Inc. a partial refund due for the tax years 2007, 2008 and 2009.
2. Do not grant any refund to Park Villa Redevelopment, Inc.

**POLICY ANALYSIS:**

The Commission should grant a refund of taxes when it is authorized by law.

**RECOMMENDATION:**

That the Board adopt Alternative 1 and grant the partial refund to Park Villa Redevelopment, Inc. for tax years 2007, 2008 and 2009.

RJH:dkm  
Attachments

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**X. ACTION CALENDAR**

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

Chairman Liakakis said, we have Items 1 through 7 and under Item 7 we have A through N. Do any of the Commissioners have any specific items they would like to hold out or let's have a motion to approve all items.

Commissioner Odell said, I make a motion to approve all items. Doctor, do you want to hold Item N? Commissioner Thomas said, no, I'm fine. Commissioner Farrell said, second.

Chairman Liakakis said, alright we have a motion on the floor and a second to approve the Action Calendar. Let's go on the board. [NOTE: Commissioners Shay and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve Items 1 through 7-N, both inclusive. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

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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 NOVEMBER 20, 2009, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the minutes of the regular meeting of November 20, 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 12 THROUGH NOVEMBER 24, 2009.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to authorize the Finance Director to pay the claims against the County for the period November 12, 2009, through November 24, 2009, in the amount of \$4,217,885. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

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**3. REQUEST BOARD APPROVE A MEMORANDUM OF UNDERSTANDING AND A TEMPORARY LICENSE AGREEMENT BETWEEN THE FOREST CITY GUN CLUB AND CHATHAM COUNTY TO FACILITATE THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN THE KINGS WOOD AND QUEENSBURY DRAINAGE SYSTEMS THAT WILL ALSO IMPROVE SURFACE WATER DRAINAGE ON PROPERTIES OF THE FOREST CITY GUN CLUB [DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve a Memorandum of Understanding and a Temporary License Agreement between the Forest City Gun Club and Chatham County to facilitate the construction of drainage improvements in the Kings Wood and Queensbury drainage systems that will also improve surface water drainage on properties of the Forest City Gun Club. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: X-3  
AGENDA DATE: December 4, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** To approve a Memorandum of Understanding and a Temporary License Agreement between the Forest City Gun Club and Chatham County to facilitate the construction of Drainage Improvements in the Kings Wood and Queensbury drainage systems that will also improve surface water drainage on properties of the Forest City Gun Club.

**BACKGROUND:** The Kings Way Drainage Improvement Project is part of the 1998-2003 SPLOST and the Queensbury Drainage Improvement Project is part of the 2003-2008 SPLOST.

**FACTS AND FINDINGS:**

1. Phases 1 and 2 of the Kings Way Drainage Improvements project are complete. Phase 3 of the project, involving improvements to the perimeter drainage ditch, has been delayed due

to access problems and undesirable impacts to adjacent residential properties. The Queensbury Drainage Improvement project was authorized by the Board on September 25, 2009 and is just underway. The Queensbury project addresses drainage problems in areas east of Ferguson Avenue including Tara Manor Drive and Elmhurst Court.

2. In September 2009 representatives of the Forest City Gun Club contacted staff about very high water levels in the lakes and standing water on their property. These conditions made use of the Club's shooting ranges unusable. The shooting ranges are the primary source of revenue for upkeep of the property. It was also explained that the Club was not able to accept responsibility for a Georgia State Sporting Clays shoot scheduled for May of 2010 because they could not guarantee the drainage problem would be solved by then. Not being able to host the state shoot at the Forest City Gun Club represents lost Club revenue as well as lost tourism revenue to the local economy since many of the competitors are from out of town.

3. The Forest City Gun Club (Gun Club) property abuts residential neighborhoods of Unincorporated Chatham County. These residential areas have peripheral drainage ditches that form part of the boundary with the Gun Club. These ditches receive infrequent maintenance in large part because they are not accessible to machine maintenance. Access can only be made through existing easements and rights of way in the residential neighborhoods, and this access is both narrow and encumbered by fences and buildings put there by the residents. Access to the ditches from the Gun Club side is currently not possible due the lack of easements or rights of way.

4. Staff and Gun Club representatives determined that mutual drainage benefits could be realized through cooperation and coordination of efforts. It was determined that the Gun Club's need for drainage facilities to control surface water and the County's need for drainage improvements and access to existing systems might be jointly served by coordinated projects. Preliminary engineering design work will be necessary to determine the feasibility and cost effectiveness of such improvements. It will also be necessary to perform preliminary engineering work to identify locations where access across Gun Club property can improve maintenance to the existing residential drainage systems.

5. A temporary easement agreement between the County and the Gun Club has been prepared to facilitate County personnel and contractors to perform inspections, engineering measurements and investigations over the Gun Club's private property. The agreement has been reviewed by the County Attorney and found to be legally sufficient.

6. Drainage improvements that are constructed by the County toward achieving the above goals will be implemented in phases that may involve several months of time and effort. To protect the County's investment of time and money, staff developed a Memorandum of Understanding to describe the commitment of Chatham County to design and construct drainage infrastructure to serve Gun Club property in return for being granted easements and/or rights of way to build and maintain drainage infrastructure serving the adjacent residential neighborhoods. The Memorandum of Understanding has been reviewed by the County Attorney and found to be legally sufficient.

**ALTERNATIVES:**

1. To approve a Memorandum of Understanding and a Temporary License Agreement between the Forest City Gun Club and Chatham County to facilitate the construction of Drainage Improvements in the Kings Wood and Queensbury drainage systems that will also improve surface water drainage on properties of the Forest City Gun Club.

2. That the Board not approve the Memorandum of Understanding.

**FUNDING:** No funding is required.

**POLICY ANALYSIS:** The Board must approve agreements between the County and corporate entities.

**RECOMMENDATION:** That the Board approve Alternative 1.

District 1

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

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#### 4. REQUEST BOARD APPROVAL TO RE-ESTABLISH A PERMANENT GIS POSITION IN PUBLIC WORKS.

##### ACTION OF THE BOARD:

Commissioner Odell moved to approve the re-establishment of a permanent GIS position in Public Works and Park Services. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM:** X-4

**AGENDA DATE:** December 4, 2009

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Michael A. Kaigler, Director  
Human Resources and Services

**Issue:** To request Board approval to re-establish a permanent GIS position in Public Works and Park Service.

##### **Background:**

On June 1, 2007, the position of Engineering Aide I was reclassified to a GIS Technician. Recruitment began for the GIS Technician position; however none of the qualified applicants would accept the position at the salary being offered. The top applicant, even after being offered 15% above minimum, would not accept the position. The City of Savannah was also advertising for similar positions and our top applicant was hired there at a higher salary.

Because of the challenges with the available qualified applicant pool and the salary level, Staff determined that even though this position was critical, we were not going to be able to fill it at that time. Staff contacted several local colleges with undergraduate GIS programs and found a student intern who accepted the position as a part time GIS Technician.

##### **Facts and Findings:**

1. In order to meet the Department's needs, Staff is requesting that the Part-time GIS Technician position number 11 be converted to a full time GIS Technician. This position was previously classified as a full time regular position with benefits, but was changed to a part-time position.
2. This will be the best opportunity to recruit for a full time GIS Technician because of current economic conditions. Also, the current intern is graduating and seeking full time employment.
3. Additional funding required to change the part-time position to a full time position for the balance of FY 2009/2010 is approximately \$38,777. This figure includes salary and benefits for the full time position.

##### **Funding:**

Funding for this personnel change will come from Public Works and Park Services operating budget. The Board of Commissioners approved a transfer of funds within the Public Works and Park Services budget to cover this personnel change at the November 20, 2009 Board Meeting.

##### **Alternatives:**

1. Approve the request to re-establish a full time GIS Technician position in the Public Works and Park Services Department.
2. Provide staff other direction.

##### **Policy Analysis:**

State law and the Enabling Act provide that only the Board can authorize additional personnel positions and provide funding. In the past, the Board of Commissioners has approved resource enhancements to departments where a need has been demonstrated, and these enhancements maintain the delivery of services to the citizens of Chatham County at adequate and efficient levels.

**Recommendation:**

Staff recommends approval of Alternative 1.

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**5. REQUEST BOARD APPROVAL OF THE 2010 HOLIDAY SCHEDULE.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the 2010 Holiday Schedule as follows: January 1 - New Year's Day; January 18 - Martin Luther King, Jr. Day; February 15 - George Washington's Birthday/President's Day; May 31 - Memorial Day, July 5 - Independence Day; September 6 - Labor Day, November 11 - Veterans Day; November 25 and 26 - Thanksgiving (two days); December 23 - Christmas Eve; and December 24 - Christmas Day, 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: X-5**  
**AGENDA DATE: December 4, 2009**

TO: Board of Commissioners  
THRU: R. E. Abolt, County Manager  
FROM: Michael A. Kaigler, Director  
Human Resources & Services

**Issue:**

To adopt the 2010 holiday schedule.

**Background:**

The Chatham County Board of Commissioners recognize eleven holidays each year on which County offices are authorized to close. Each year the Board of Commissioners set the holiday calendar in order to allow departments to schedule business activities.

**Facts and Findings**

- 1. As per the Personnel Ordinance and Procedures Manual, employees appointed to full-time regular, part-time regular and seasonal positions shall receive regular compensation for eleven holidays per year, or any other day proclaimed by the Board of Commissioners as a holiday.
- 2. Attached is the proposed holiday schedule for January 2010 through December 2010. These holidays are recognized nationally and are not chosen based upon any religious uniqueness.

**Funding:**

No additional funds required. These days are currently budgeted as work days.

**Alternatives:**

- 1. Adopt attached schedule.
- 2. Adopt attached schedule with modifications.

**Policy Analysis:**

Each year the Board of Commissioners authorize eleven holidays on which offices are to be closed. It is the policy of the Board to provide paid holidays as an employee benefit. This practice is consistent with other major employers in the local and regional labor market areas.

**Recommendation:** That the Board adopt Alternative One.

CHATHAM COUNTY  
2010 HOLIDAY SCHEDULE

New Year's Day	Friday	January 1
Martin Luther King, Jr. Day	Monday	January 18
George Washington's Birthday (President's Day)	Monday	February 15
Memorial Day	Monday	May 31
Independence Day	Monday (Observed)	July 5
Labor Day	Monday	September 6
Veterans Day	Thursday	November 11
Thanksgiving (two days)	Thursday & Friday	November 25 & 26
Christmas Eve	Thursday (Observed)	December 23
Christmas Day	Friday (Observed)	December 24

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**6. REQUEST FOR TRANSFER OF BEER, WINE AND LIQUOR RETAIL PACKAGE LICENSE FOR 2009. PETITIONER: THOMAS JAMES BYRNE D/B/A WILMINGTON ISLAND BEVERAGE CENTER, LOCATED A 205-A JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the request of Thomas James Byrne d/b/a Wilmington Island Beverage Center, located at 205-A Johnny Mercer Boulevard, for transfer of a beer, wine and liquor retail package for 2009. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: X-6**  
**AGENDA DATE: December 4, 2009**

**TO:** BOARD OF COMMISSIONERS  
**THROUGH:** R.E. ABOLT, COUNTY MANAGER  
**FROM:** GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY AND REGULATORY SERVICES  
WILLIE LOVETT, INTERIM CHIEF OF POLICE

ISSUE  
Request for transfer of beer, wine and liquor retail package license for 2009, Thomas James Byrne d/b/a Wilmington Island Beverage Center, located at 205-A Johnny Mercer Boulevard.

BACKGROUND  
Mr. Byrne requests approval of transfer of ownership to Meet Vikram Patel in connection with an existing retail package shop. The business at this location meets the requirements of the Chatham County Alcoholic Beverage and Sunday Sales Ordinance.

- FACTS AND FINDINGS
1. The application was reviewed by the Police Department for compliance of the applicant and approved.
  2. The returned application was reviewed by Regulatory Services. The county Fire Marshall inspected the site for compliance and approved the facility.
  3. The applicant and business meets the requirements of the Chatham County Alcoholic Beverage and Sunday sales Ordinance.
  4. The applicant has been notified in writing of the hearing time and date.

RECOMMENDATION

The Savannah-Chatham Metropolitan Police Department and Regulatory Services recommend approval.

District 4

We verify that the attached report and attachments are complete and correct as to form.

\_\_\_\_\_  
Gregori S. Anderson

\_\_\_\_\_  
Interim Chief Willie Lovett

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**7. 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. Install 64'x35' parking pad and 174 linear feet of sidewalk at Lake Mayer Community Park for a new pavilion	Public Works and Park Services	Coastline Concrete Services	\$20,480	General Fund/M&O - Parks and Recreation
B. Revenue generating property lease to sell boiled peanuts and produce at the Rodney J. Hall Boat Ramp	Public Works and Park Services	David Boynton	\$3,000 annual revenue	Revenue Producing
C. Revenue generating property lease operate and rent kayaks at the Rodney J. Hall Boat Ramp	Public Works and Park Services	Michael J. Neal	\$2,700 annual revenue	Revenue Producing
D. Emergency service and preventive maintenance contract on three (3) UPS systems	I.C.S.	Nationwide Power Solution	\$12,228	General Fund/M&O - I.C.S.
E. Software licenses	Assessor	Dell Marketing (State Contract)	\$16,071	General Fund/M&O - Assessor
F. Deductive Change Order No. 1 to the contract for the Westlake-CSX Headwalls drainage improvements for additional work	Engineering	Griffin Contracting, Inc.	(\$2,250)	No funding required
G. Summary Change Order No. 1 to the contract for the bank stabilization of Wilmington Park Canal drainage improvements for additional quantities of materials installed	Engineering	A.D. Construction Co., Inc.	\$28,601	SPLOST (1998-2003) - Drainage, Wilmington Park Canal project
H. Extend the contract on a "month to month" basis for Inmate Healthcare Services	Detention Center	Prison Healthcare Services, Inc.	Same terms and conditions	General Fund/M&O - Detention Center
I. Construction contract for a new pump house on Paxton Drive	Public Works and Park Services	R.L. Construction Group, Inc. (WBE)	\$45,998	Water and Sewer Enterprise Fund
J. Annual Personal services agreement with one (1) additional renewal to provide case management duties to the Mental Health Court	Court Administrator	Joseph Smith	\$17 per hour	Mental Health Court Grant

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
K. Construction contract to improve the Wild Heron Road Median at Fawcett Canal	Engineering	Sitework Construction	\$57,702	SPLOST (1985-1993) - Various County Roads, Wild Heron
L. One (1) used vehicle and authorize the disposal of three (3) vehicles to be used as trade-ins	C.N.T.	Fairway Lincoln Mercury	\$17,500	CIP - Fleet Replacement
M. Change Order No. 1 to the contract for the Little Neck Road Culvert replacement at Henderson Canal for additional work and extend contract by 14 days	Engineering	TIC - The Industrial Company	\$18,035	SPLOST (1998-2003) - Drainage, Gateway/ Henderson
N. Annual contract with automatic renewal options for four (4) additional one (1) year terms to provide various oils and lubricants	Fleet Operations	Stubbs Oil	Varies by item	General Fund/M&O - Fleet Operations

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve Items 7-A through 7-N, both inclusive. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Kicklighter were not present.]

**AGENDA ITEM: X-7**  
**AGENDA DATE: December 4, 2009**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R.E. ABOLT, COUNTY MANAGER**  
**FROM: MICHAEL A. KAIGLER, DIRECTOR HUMAN RESOURCES & SERVICES**  
**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval of a \$20,480 purchase to install a 64' x 35' parking pad and 174 linear feet of sidewalk at Lake Mayer Community Park from Coastline Concrete Services, Savannah, GA.

**BACKGROUND:** A new 64' x 30' picnic pavilion was constructed at Lake Mayer Community Park. To allow an accessible walkway for handicapped and mobile citizens a parking pad and sidewalk are required.

**FACTS AND FINDINGS:**

- The area leading to the new pavilion consists of grass and bare ground. Sidewalks and parking pads are required to provide a safe walkway and parking for all citizens. The parking pad and sidewalk will be 6" thick, 4,000 psi fiber reinforced concrete.
- Staff obtained quotes from the following three (3) vendors:

Coastline Concrete Services Savannah, GA	\$20,480
The House Doctor Savannah, GA	\$22,365
Thirteenth Colony Construction Savannah, GA	\$24,500

- 3. Staff believes the low quote provided by Coastline Concrete Services to be fair and reasonable.

**FUNDING:** General Fund/M & O - Parks and Recreation  
(1006100 - 54.25001)

**ALTERNATIVES:**

- 1. Board approval of a \$20,480 purchase to install a 64' x 35' parking pad and 174 linear feet of sidewalk at Lake Mayer Community Park from Coastline Concrete Services, Savannah, GA.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide safe and accessible parking and walkways to County facilities.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM B**

**ISSUE:** Request Board approval to enter into an annual \$3,000 revenue generating property lease agreement with David Boynton, Concessionaire, for Public Works and Park Services.

**BACKGROUND:** Chatham County Public Works and Park Services received a request to enter into a lease agreement with David Boynton, Concessionaire, to sell hot boiled peanuts and produce at the Rodney J. Hall Boat Ramp.

**FACTS AND FINDINGS:**

- 1. A Request for Interest was properly advertised and no other vendors submitted a response.
- 2. Public Works and Park Services believes the request from David Boynton to be fair and reasonable.

**FUNDING:** N/A- Revenue producing

**ALTERNATIVES:**

- 1. Board approval to enter into an annual \$3,000 revenue generating property lease agreement with David Boynton, Concessionaire, for Public Works and Park Services.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide concessionaire operated services at selected parks and recreational facilities.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM C**

**ISSUE:** Request Board approval to enter into an annual \$2,700 revenue generating property lease agreement with Michael J. Neal, Concessionaire, for Public Works and Park Services.

**BACKGROUND:** Chatham County Public Works and Park Services received a request to enter into a lease agreement with Michael J. Neal, Concessionaire, to operate and rent kayaks at the Rodney J. Hall Boat Ramp.

**FACTS AND FINDINGS:**

- 1. A Request for Interest was properly advertised and no other vendors submitted a response.

- 2. Public Works and Park Services believes the request from Michael J. Neal to be fair and reasonable.

**FUNDING:** N/A- Revenue producing

**ALTERNATIVES:**

- 1. Board approval to enter into an annual \$2,700 revenue generating property lease agreement with Michael J. Neal, Concessionaire, for Public Works and Park Services.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide concessionaire operated services at selected parks and recreational facilities.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM D**

**ISSUE:** Request Board approval of the \$12,228 emergency service and preventive maintenance contract on three (3) UPS systems from Nationwide Power Solution of Henderson, Nevada for the I.C.S. Department.

**BACKGROUND:** This emergency service and preventive maintenance replaces an expired maintenance contract for the UPS at the police annex. The other two (2) units located at the Tag Office on Eisenhower Drive and Building Safety and Regulatory Services are not currently under a maintenance contract.

**FACTS AND FINDINGS:**

- 1. I.C.S. recommends preventive maintenance contracts to prevent severe damage to county equipment and provide temporary power during power failures.
- 2. This contract will provide preventive maintenance four (4) times each year to insure maximum uptime.
- 3. Uninterruptible power supplies absorb power surges, smooth out noisy power sources, provide power to equipment during line sags, and provide temporary power after a blackout.
- 4. Nationwide Power Solution is currently providing services to the county.

**FUNDING:** General Fund/M&O - I.C.S.  
(1001535 - 52.22001)

**ALTERNATIVES:**

- 1. Board approval of the \$12,228 emergency service and preventive maintenance contract on three (3) UPS systems from Nationwide Power Solution of Henderson, Nevada for the I.C.S. Department.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of preventive maintenance contracts.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
GLORIA SAUGH

**ITEM E**

**ISSUE:** Request Board approval of a \$16,071 purchase for software licenses, off State of Georgia contract, from Dell Marketing, L.P. for the Office of the Tax Assessor.

**BACKGROUND:** Microsoft Office is the industry standard for desktop productivity suites. The Microsoft Office system is a more comprehensive and integrated system than the Corel Office suite that is currently in use. The Microsoft Office system includes programs, servers, services, and solutions designed to work together to help address a broad array of business problems. These programs work effectively with Office SharePoint Server 2007.

**FACTS AND FINDINGS:**

1. State Purchasing awarded this contract through a competitive process based on requirements and specifications of the Georgia Technology Authority.
2. Staff believes the cost of \$16,071 is fair and reasonable.

**FUNDING:** General Fund/M & O - Assessor  
(1001550 - 52.13011)

**ALTERNATIVES:**

1. Board approval of a \$16,071 purchase for software licenses, off State of Georgia contract, from Dell Marketing, L.P. for the Office of the Tax Assessor.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide the necessary licenses for software used on County computer equipment.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM F**

**ISSUE:** Request Board approval of Change Order No. 1 in the deduct amount of \$2,250 to the contract with Griffin Contracting, Inc. for the Westlake-CSX Headwalls Drainage Improvements project.

**BACKGROUND:** The project is a part of the 1998-2003 SPLOST Westlake Drainage Program. The contract with Griffin Contracting, Inc. was approved by the Board on 27 February 2009. The project included construction of concrete headwalls and channel paving to protect existing culvert pipes from beaver dam blockages. The project is located on CSX Railroad property.

**FACTS AND FINDINGS:**

1. The construction of improvements under the original contract is substantially complete. During construction, a higher than expected water level at the site was traced to blockages of downstream culverts located on the property of Hunter Army Airfield (HAAF). Staff worked with HAAF personnel to remove the blockages which were caused by debris carried in the water. The likely source of the debris was determined to be from the Westlake area drainage system.
2. The Westlake area drainage system outfalls through culverts located on CSX Railroad property and on HAAF property, areas where the Chatham County Department of Public Works (DPW) cannot perform routine maintenance. Working with DPW personnel, staff determined that a canal trash screen located upstream of the headwall project would help alleviate future blockages of the CSX and HAAF culverts.
3. Construction of a canal trash screen requires equipment to de-water the canal while the structure is being installed. Griffin Contracting, having used de-watering equipment to construct the headwall project and still being on site, can provide this work without

charging the County to mobilize to the project site. The firm also has the recent expertise having already used this equipment in de-watering this canal.

4. The contract was awarded containing a bid line item (\$11,250) to remove and replace unsuitable subgrade material [if encountered] and as ordered by the County. Unsuitable subgrade material was not encountered and no cost was incurred under this bid item. This Change Order deducts the cost of the unused subgrade replacement bid item and adds the trash screen as a new line item (\$9,000) for a net reduction to the contract amount.
5. Staff believes that the price quoted by the contractor for the trash screen is fair for the work involved and represents a good value to the County.
6. Contract history:
 

Original Contract Amount (2-27-09)	\$122,250
Change Order No. 1(pending)	<u>Deduct \$2,250</u>
Revised Contract Amount	\$120,000

**FUNDING:** No funding is required

**ALTERNATIVES:**

1. Board approval of Change Order No. 1 in the deduct amount of \$2,250 to the contract with Griffin Contracting, Inc. for the Westlake-CSX Headwalls Drainage Improvements project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders necessary for the completion of construction projects.

**RECOMMENDATIONS:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM G**

**ISSUE:** Request Board approval of Summary Change Order No. 1 in the amount of \$28,601 to the contract with A. D. Williams Construction Co., Inc. for the Bank Stabilization of Wilmington Park Canal Drainage Improvements project.

**BACKGROUND:** The project is part of the 1998-2003 SPLOST Wilmington Park Canal drainage improvement project. Phase 1 of the project which included replacing the box culvert at Wilmington Island Road and installing a trash screen structure, was completed in 2002.

**FACTS AND FINDINGS:**

1. The project is located in the Wilmington Island area of Unincorporated Chatham County. Subsequent to completing construction of the new box culvert and trash screen under the Phase 1 project, the area experienced excessive erosion of soil and channel bank failure. The channel was frequently blocked with sediment and debris including trash and vegetative materials.
2. The contract for Phase 2 was awarded as a unit price contract to A. D. Williams Construction Company, Inc. in April 2009. Substantial completion of the work was achieved on 6 October 2009. Sediment has been removed, erosion of the channel banks at this location has been arrested and the tide gates are functioning properly.
3. Measurement of final quantities was performed upon completion of the work. This summary change order adjusts the contract amount to reflect the quantities of materials installed. The increase in materials required is largely due to the continuation of canal deterioration between the time design surveys were performed and the time work was started.
4. Contract history:
 

Original Contract (3/27/09)	\$391,829
Summary Change Order 1 (pending)	<u>\$ 28,601</u>
Revised Contract Amount	\$420,430

**FUNDING:** SPLOST (1998 - 2003) - Drainage, Wilmington Park Canal Project  
(3224250 - 54.14021 - 32280187)

**ALTERNATIVES:**

1. Board approval of Summary Change Order No. 1 in the amount of \$28,601 to the contract with A. D. Williams Construction Co., Inc. for the Bank Stabilization of Wilmington Park Canal Drainage Improvements project.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve summary change orders that are necessary for the completion of construction projects.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM H**

**ISSUE:** Request Board approval to extend the contract for Inmate Healthcare Services for the Detention Center with Prison Healthcare Services, Inc. (PHS) on a "month to month" basis in an effort to complete the Request for Proposal process.

**BACKGROUND:** On 23 January 2004, the Board approved a five (5) year contract for Inmate Healthcare Services with PHS. The contract was extended through 31 December 2009. A one year extension to the contract was approved by the Board on 21 November 2008.

**FACTS AND FINDINGS:**

1. Staff issued a new Request for Proposal for Inmate Healthcare Services 13 October 2009.
2. There has been a deluge of questions and request for data that has made it necessary to extend the proposal receipt date twice, the latest date to 1 December 2009.
3. PHS has agreed to extend the contract on a month to month basis with all pricing, terms and conditions remaining the same. As a condition of the contract, PHS will be entitled to a price increase based on the CPI. Staff believes the increase is reasonable.

**FUNDING:** General Fund/M&O - Detention Center  
(1003326 - 52.12006)

**ALTERNATIVES:**

1. Request Board approval to extend the contract for Inmate Healthcare Services for the Detention Center with Prison Healthcare Services, Inc. (PHS) on a "month to month" basis in an effort to complete the Request for Proposal process.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve a contract extension if it is in the best interest of the County.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM I**

**ISSUE:** Request Board approval to award a \$45,998 construction contract to R.L. Construction Group, Inc., a WBE firm, to construct a new pump house on Paxton Drive for Public Works and Park Services.

**BACKGROUND:** The Paxton Pump House is old and beyond economical repair. The pump house has rotten roof sheathing, framing, and the cinder block joints are separating. Due to the condition of the existing structure, a complete demolition and rebuild is the best and most cost effective measure.

**FACTS AND FINDINGS:**

1. The current condition of the pump house is unsafe and poses a risk to County employees and should be replaced immediately.
2. This project was properly advertised and ten (10) bids were received and opened on 10 November 2009. The bid responses are as follows:

*	R.L. Construction Group, Inc. Savannah, GA	\$45,998
	Keith Ray Construction, Inc. Thunderbolt, GA	\$46,300
	Kerby Enterprises, Inc. Bloomingdale, GA	\$48,000
	Johnson Construction Savannah, GA	\$49,970
	Fred Buck Construction Savannah, GA	\$50,650
	Marchese Construction Pooler, GA	\$54,500
	Tippins-Polk Construction Statesboro, GA	\$56,700
	Pinco Garden City, GA	\$62,700
*	E & D Contracting Services, Inc. Savannah, GA	\$70,065
*	WBM Construction Metter, GA	\$76,500

\*WBE Firm

3. Staff reviewed the references and low bid from R.L. Construction Group, Inc. and believes their bid to be fair and reasonable.

**FUNDING:** Water and Sewer Enterprise Fund  
(5054400 - 54.13009)

**ALTERNATIVES:**

1. Board approval to award a \$45,998 construction contract to R.L. Construction Group, Inc., a WBE firm, to construct a new pump house on Paxton Drive for Public Works and Park Services.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to maintain pump houses in good state of repair, therefore prolonging structure life and providing a safe building for County employees.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

ITEM J

**ISSUE:** Request Board approval for Chatham-Savannah Mental Health Court to enter into a Personal Services Agreement with Joseph Smith for a one (1) year term with an additional one (1) year renewal by agreement of both parties under the terms of the Office of Justice Programs, Bureau of Justice Assistance’s, Justice and Mental Health Collaboration program two-year grant award accepted by the Chatham County in October of 2009.

**BACKGROUND:** The Chatham-Savannah Mental Health Court identified gaps in provider system operations and submitted a grant with the Bureau of Justice Assistance, Justice and Mental Health Collaboration Program that will provide for a better success rate among Mental Health Court clients.

**FACTS AND FINDINGS:**

1. On 16 September 2009, the Chatham-Savannah Mental Health Court received notice from the Bureau of Justice Assistance of this grant award. The Chatham County Chairman provided his signature on 28 September 2009, and subsequent to the Chairman’s signature, the Board accepted the grant award in October, 2009.
2. Joseph Smith will function as an independent contractor providing Case Management duties to the Mental Health Court, and agrees that he is an independent contractor.
3. Joseph Smith will work a 40 hour work week, paid at \$17 per hour.
4. Joseph Smith agrees he is not a county employee, and is not entitled to County benefits or privileges, and that he is not guaranteed employment beyond the term of the grant award.

**FUNDING:** Mental Health Court Grant  
(2502100 - 52.11001 - 25020212)

**ALTERNATIVES:**

1. Board approval to enter into a Personal Services Agreement with Joseph Smith for a one (1) year term with an additional one (1) year renewal by agreement of both parties under the jurisdiction of the Chatham-Savannah Mental Health Court..
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award contracts for necessary services when the service can be performed at reasonable rates.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
TOM DRANE

**ITEM K**

**ISSUE:** Request Board approval to award a \$57,702 construction contract to Sitework Construction to improve the Wild Heron Road Median at Fawcett Canal.

**BACKGROUND:** The project involves approximately 600 feet of reconstructed pavement along Wild Heron Road at Fawcett Canal. The project consists of the demolition of a portion of the median and the existing road followed by the reconstruction of Wild Heron Road at Fawcett Canal to straighten the curve around the median.

**FACTS AND FINDINGS:**

1. This project was properly advertised and ten (10) bids were received and opened 3 November 2009. The bid responses are as follows:

Sitework Construction Savannah, GA	\$ 57,702
Eastern Excavating Company, Inc. Pooler, GA	\$ 60,487
Bryco, Inc. Pembroke, GA	\$ 64,290

	Griffin Contracting, Inc. Pooler, GA	\$ 67,800
	A.D. Williams Construction Company, Inc. Savannah, GA	\$ 73,294
**	Clifton Construction, Inc. Garden City, GA	\$ 73,672
	Savannah Paving Company Brooklet, GA	\$ 79,326
*	Sandhill ALS Construction, Inc. Hardeeville, SC	\$ 98,975
	Horizon Construction & Associates, Inc. Evans, GA	\$131,884
**	E&D Contracting Services, Inc. Savannah, GA	\$179,725
*	MBE firm	
**	WBE firm	

2. The project is expected to be completed within 90 days from the Notice To Proceed.

**FUNDING:** SPLOST (1985 - 1993) - Various County Roads, Wild Heron (3204220 - 54.14001 - 32056120)

**ALTERNATIVES:**

- Board approval to award a \$57,702 construction contract to Sitework Construction to improve the Wild Heron Road Median at Fawcett Canal.
- Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM L**

**ISSUE:** Request Board approval of a \$17,500 purchase of one (1) used non-typical replacement vehicle for C.N.T. from Fairway Lincoln Mercury of Savannah, GA and authorized the disposal of three (3) vehicles that will be used as trade-ins.

**BACKGROUND:** C.N.T. has approved funding to replace 13 vehicles through the CIP, Police Merger. These vehicles are no longer suitable for department operation. The trade-in will simplify the purchase of one vehicle.

**FACTS AND FINDINGS:**

- To meet C.N.T.'s needs, staff requested quotes from only the local car dealers that normally respond to bids. Specifications required each firm to submit pricing on appropriate vehicles. This provides C.N.T. with maximum flexibility.
- The Fleet Manager and a representative from C.N.T. selected the following vehicle based on utility and value.
- The vehicle selected was:

Fairway Lincoln Mercury	1 vehicle	\$ 23,200
Less trade-in	3 vehicles	( 5,700)
Total Purchase		\$ 17,500

**FUNDING:** CIP - Fleet Replacement  
(3503222 - 54.22001 - 35030650)

**ALTERNATIVES:**

1. Board approval of a \$17,500 purchase of one (1) used non-typical replacement vehicle for C.N.T. from Fairway Lincoln Mercury of Savannah, GA and authorized the disposal of three (3) vehicles that will be used as trade-ins.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of replacement vehicles for law enforcement activities.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM M**

**ISSUE:** Request Board approval of Change Order No. 1 increasing the contract amount by \$18,035 and increase the contract time by 14 days to the contract with TIC - The Industrial Company, for the Little Neck Road Culvert Replacement at Henderson Canal project.

**BACKGROUND:** The Gateway/Henderson Drainage project is a part of the Chatham County Drainage Improvement Program. Problems to be addressed include the limited drainage capacity of the of the existing canal and several of the golf cart crossings over the canal.

**FACTS AND FINDINGS:**

1. The project is located along Little Neck Road near the Henderson Golf Community area of Unincorporated Chatham County. Problems associated with the existing Henderson Canal drainage system along include overtopping of Al Henderson Boulevard and the Brown Thrush Road area. These problems are attributed to the low elevations near the Al Henderson Blvd./ Brown Thrush intersection and the limited drainage capacity of the existing canal and bridge structures.
2. The contract for construction was awarded as a unit price contract to TIC-The Industrial Company in May 2009. Construction commenced August 2009 and as of November 2009 is approximately 75% complete. The project involves replacement of the crossdrain culvert at Little Neck Road and construction of a temporary traffic lane for maintenance of vehicular traffic. The contract anticipated removal of some unsuitable material. During construction of the temporary traffic lane, the estimated quantity of unsuitable soils beneath the existing roadway embankment was exceeded.
3. Staff consulted with the contractor, design engineer and the materials testing laboratory to establish that the embankment soils needed to be removed to support construction of the temporary traffic lane. The extent of removal and replacement with suitable soils materials was identified and field measured. The measured amount substantially exceeds the contract amount and the work involved required additional time to complete.
4. The pending change order cost is based on negotiated unit price that is lower than stipulated in the contract for unsuitable subgrade replacement.
5. Contract history:

Original Contract (6-12-09)	\$713,419
Change Order 1 (Pending)	<u>\$ 18,035</u>
Revised Contract Amount	\$731,454

**FUNDING:** SPLOST (1998 - 2003) - Drainage, Gateway/Henderson project  
(3224250 - 54.14021 - 32280357)

**ALTERNATIVES:**

1. Board approval of Change Order No. 1 increasing the contract amount by \$18,035 and increase the contract time by 14 days to the contract with TIC - The Industrial Company, for the Little Neck Road Culvert Replacement at Henderson Canal project.

- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders necessary for the completion of construction projects.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM N**

**ISSUE:** Request Board approval to “piggy-back” off of the City of Savannah’s solicitation to award an annual contract with option to renew for four (4) additional one year terms to Stubbs Oil Company of Garden City, to provide various oils and lubricants to Fleet Operations.

**BACKGROUND:** The City of Savannah, Chatham Area Transit Authority (CAT) and Chatham County combined their annual requirements for oils and lubricants thereby obtaining lower bid prices. The City of Savannah served as the lead agency in the cooperative/joint solicitation process.

**FACTS AND FINDINGS:**

- 1. Bids were publicly advertised and solicited by the City of Savannah, for approximately 26 oil and lubricant products, with various packing requirements and quantities. Due to the historical price volatility of oil and lubricant market, specifications were written to allow the City to review and determine, on a quarterly basis, current market trends. Based on the City’s findings, Contractor will be required to adjust prices up or down accordingly. If a mutual agreement cannot be reached, the City reserves the right to award to the next low bidder.
- 2. Bid responses were received from Stubbs Oil Company, Colonial Oil Industries, Inc., Barrett Oil Distributors, and Yancey Power Systems all of Savannah, GA; Emerald Petroleum Co., Inc., Strickland Oil, Company of Pooler, GA; Lewis & Ravlerson, Inc. of Waycross, GA.
- 3. Items to be purchased from Stubbs Oil Company for Chatham County Fleet Operations are as follows:

Item	Size	Price
Motor Oil (SE 15W40) (CJ-4)	Gallon	\$5.37
Motor Oil (ASC 5W-30)	Gallon	\$6.18
Motor Oil Supreme 5-20 (1/55)	Gallon	\$4.87
2-Cycle Oil (L2C)	Gallon	\$8.39
Gear Lubricant (SAE 85/W/140)	Drum	\$ .97
Hydraulic Oil (HD46)	Gallon	\$3.77
Heavy Duty Truck grease (LAPG)	Pound	\$1.35
Heavy Duty Truck grease (LHPG)	Tube	\$1.38
Auto Transmission Fluid (Dextron III)	Quart	\$6. 13
Auto Transmission Fluid (Dextron V)	Quart	\$9.05
Anti Freeze & Coolant	Gallon	\$5.60

- 4. Stubbs Oil Company, the low responsive bidder, met all specifications. All participating agencies believe Stubbs Oil Company’s bid to be reasonable and fair.

**FUNDING:** General Fund/M&O - Fleet Operations Inventory Account  
(100 - 11.36003)

**ALTERNATIVES:**

- 1. Request Board approval to “piggy-back” off of the City of Savannah’s solicitation to award an annual contract with option to renew for four (4) additional one year terms to Stubbs Oil Company of Garden City, to provide various oils and lubricants to Fleet Operations.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to combine Chatham County, CAT, and City of Savannah requirements whenever possible to assure the most competitive pricing.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

PREPARED BY \_\_\_\_\_  
PURCHASING AGENT

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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**

None.

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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:**

A status report was attached as information.

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

No staff report was attached to this agenda.

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**EXECUTIVE SESSION**

Chairman Liakakis declared the meeting recessed at 12:10 p.m. to go into Executive Session for the purpose of discussing litigation.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:05 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 Holmes 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 Farrell seconded the motion and it carried unanimously.

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**ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at 1:06 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

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

\_\_\_\_\_  
 SYBIL E. TILLMAN, CLERK OF COMMISSION