

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JUNE 10, 2011, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

I. CALL TO ORDER

Chairman Pete Liakakis called the meeting to order at 9:35 a.m. on Friday, June 10, 2011.

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II. INVOCATION

Chairman Liakakis said, I call on – Commissioner Dave Gellatly is not here today, so I call on our substitute minister, none other than our County Manager, Russ Abolt. County Manager Russ Abolt gave the invocation.

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III. PLEDGE OF ALLEGIANCE

Chairman Liakakis said, I call on Commissioner Patrick Shay to lead us in the Pledge of Allegiance. Commissioner Shay led the Pledge of Allegiance to Flag of the United States of America.

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Chairman Liakakis said, Jerrell, would you ask them to turn on our mikes, please?

Commissioner Holmes said, they're on.

Chairman Liakakis said, they're okay, now.

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IV. ROLL CALL

Chairman Liakakis said, okay, I call on Janice Bocook, our clerk, for the roll call, please.

The Clerk called the roll.

Present: Pete Liakakis, Chairman
 Helen L. Stone, Chairman Pro Tem, District One
 James J. Holmes, District Two
 Patrick Shay, District Three
 Patrick K. Farrell, District Four
 Harris Odell, Jr., District Five
 Dean Kicklighter, District Seven

Not present: Dr. Priscilla D. Thomas, Vice Chairman, District Eight
 David M. Gellatly, District Six

Also present: R. E. Abolt, County Manager
 R. Jonathan Hart, County Attorney
 Janice Bocook, County Clerk

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Commissioner Shay said, Mr. Chairman, I'd like to make a motion to excuse Vice Chairman, Dr. Thomas and also Commissioner Gellatly for medical reasons.

Commissioner Stone said, second.

Commissioner Holmes said, second.

Chairman Liakakis said, okay, we have a motion on the floor and a second to excuse the two Commissioners. Let's go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Shay moved that Commissioner Priscilla Thomas and Commissioner David Gellatly be excused from the Commission Meeting. Commissioners Stone and Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Farrell was not present for the vote].

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

Chairman Liakakis said, there are no special presentations today.

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VI. CHAIRMAN'S ITEMS

1. MEMORANDUM OF AGREEMENT WITH HOMELAND SECURITY REGARDING SYSTEMATIC ALIEN VERIFICATION PROGRAM (STAFF REPORT IS BEING PREPARED BY THE ATTORNEY'S OFFICE).

Chairman Liakakis said, a Memorandum of Agreement with Homeland Security regarding Systematic Alien Verification Program, and the staff report is being prepared by our attorney's office, but if you'll explain.

County Manager Abolt said, yes, thank you, Mr. Chairman, Commissioner Stone, Gentlemen, this is a late starter. We received notification through the ACCG that for some reason the County was not compliant with this – the – the Federal Regulation particularly the oversight of the Department of Homeland Security. We thought we were. We took immediate steps to correct the last bit of it. Mr. Hart and his staff, along with Mr. Kaigler put together what amounts to a staff report that would allow you to enter into an Agreement with the Department of Homeland Security to make sure everything is done correctly by way of alien verification. Mr. Hart?

County Attorney R. Jonathan Hart said, I would like to make one small adjustment to the statement. We have been doing E-Verify, and we've been doing E-Verify for a long time. As a matter of fact, we were one of the earliest to start using it. At the time we started using early they didn't have the application process completed, and we had already applied and thought we were in compliance, but when they put the procedure in, we didn't make the cut list because they had a different format of procedure. So it's really an administrative thing. But we've been doing that probably as long – longer than most counties in the state. So.

Commissioner Shay said, so we're complying with the intent of the law it's just a – a technical flaw?

County Attorney Hart, said, yes. We just don't have the administrative part to it.

Commissioner Shay said, okay.

Chairman Liakakis said, okay. Next item –

County Manager Abolt said, we need a motion to adopt.

Commissioner Stone said, so moved.

Commissioner Shay said, second.

Chairman Liakakis said, let's go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved for approval of a Memorandum of Agreement with Homeland Security regarding Systematic Alien Verification Program. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioner Farrell was not present for the vote. Commissioners Thomas and Gellatly were not present.]

AGENDA ITEM: VI-1
AGENDA DATE: June 10, 2011

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager

FROM: Michael A. Kaigler, Assistant County Manager/
Director of Human Resources & Services
R. Jonathan Hart, County Attorney

ISSUE:

To consider whether to enter into the Memorandum of Agreement (MOA) and Addendum to Memorandum of Agreement between the Department of Homeland Security, U.S. Citizenship and Immigration Services and Chatham County Board of Commissioners, Georgia.

BACKGROUND:

Pursuant to O.C.G.A. § 50-36-1, all agencies and political subdivisions are required to verify the lawful presence of any person who has applied for local public benefits as defined by Federal law. The federal government operates a program entitled, "Systemic Alien Verification for Entitlements ("SAVE") Program. The SAVE Program is an intergovernmental information-sharing initiative designed to assist Federal, State government agencies and non-government agencies, such as licensing bureaus, in determining an individual's immigration status. The information provided by SAVE will ensure that only entitled applicants will be granted the public benefits that they applied for. SAVE only provides the immigration status of these individuals and does not make determinations or recommendations regarding a non-citizen's eligibility for any public benefit. Pursuant to the terms of the Addendum to the MOA the two public benefits for which Chatham County must confirm the immigration status of applicants are Retirement Benefits and Occupation Tax Certificates.

Utilization of the SAVE program for verifying the immigration status of applicants for public benefits set forth above is mandatory and failure to use this program may cause the County to lose state appropriations. We have to use this program to verify the immigration status of those applicants who meet the criteria for verification. In order to use the program we have to enter into this MOA. The County will incur charges related to the use of the SAVE program to include a minimum monthly charge of \$25, or up to \$1.50 per query.

The purpose of the Memorandum of Agreement is to establish the terms and conditions governing the participation of the User Agency to provide the specified benefit in the DHS-USCIS Systematic Alien Verification for Entitlements (SAVE) Program for the purpose of verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen applicants (applicant) applying for Retirement Benefits and Occupational Tax Certificates (benefits). The limited data will be provided to the User Agency an:

- 1) Initial response (initial verification) by SAVE to an on-line inquiry by the User Agency; and
- 2) Additional verification procedures where applicable; or
- 3) A response to a properly submitted Form G-845.

FACTS AND FINDINGS:

1. Pursuant to O.C.G.A. § 50-36-1, all agencies and political subdivisions are required to verify the lawful presence of any person who has applied for local public benefits as defined by Federal law;
2. The federal government operates a program entitled, "Systemic Alien Verification for Entitlements ("SAVE") Program. The SAVE Program is an intergovernmental information-sharing initiative designed to assist Federal, State government agencies and non-government agencies, such as licensing bureaus, in determining an individual's immigration status;
3. Utilization of the SAVE program for verifying the immigration status of applicants for public benefits set forth above is mandatory.
4. We have to use this program to verify the immigration status of those applicants who meet the criteria for verification. In order to use the program we have to enter into this MOA.

FUNDING: GENERAL FUND.

POLICY ANALYSIS:

The execution of these agreements falls within the discretion of the Board of Commissioners.

ALTERNATIVES:

1. Authorize the Chairman to execute the Memorandum of Agreement and Addendum to Memorandum of Agreement with the Department of Homeland Security, U.S. Citizenship and Immigration Services, or
2. Do not Authorize the Chairman to execute the Memorandum of Agreement and Addendum to Memorandum of Agreement with the Department of Homeland Security, U.S. Citizenship and Immigration Services,

RECOMMENDATION:

Alternative 1.

MEMORANDUM OF AGREEMENT

BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
AND
CHATHAM COUNTY BOARD OF COMMISSIONERS, GEORGIA
STATE OR LOCAL GOVERNMENT AGENCY

I. PARTIES.

The parties to this Memorandum of Agreement (MOA) are the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and the Chatham County Board of Commissioners, Georgia (User Agency).

II. AUTHORITY.

The authorities governing this MOA include, but are not limited to, the following:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.

Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.

Privacy Act, 5 U.S.C., § 552a, as amended.

The Inter-Governmental Cooperation Act, 31 U.S.C. §1535, as amended.

GA. Code Ann. § 50-36-1, as amended.

An Addendum to this MOA specifies additional legal authorities.

Pursuant to the requirements of OMB Circular A-97, which establishes the President's guidelines for implementing the Intergovernmental Cooperation Act, 31 U.S.C., Section 6501, et seq., as amended, the User Agency certifies that it cannot procure the immigration status verification services requested pursuant to this MOA reasonably and expeditiously through ordinary business channels.

III. PURPOSE.

The purpose of this MOA is to establish the terms and conditions governing the participation of the User Agency to provide the specified benefit in the DHS-USCIS Systematic Alien Verification for Entitlements (SAVE) Program for the purpose of verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen applicants (applicant) applying for **Retirement Benefits and Occupational Tax Certificates** (benefits). The limited data will be provided to the User Agency by an:

- 1) Initial response (initial verification) by SAVE to an on-line inquiry by the User Agency; and
- 2) Additional verification procedures where applicable; or
- 3) A response to a properly submitted Form G-845.

IV. RESPONSIBILITIES.**A. DHS-USCIS agrees to:**

- (1) Maintain and make available to the User Agency in limited part and manner determined by DHS-USCIS after consultation with the User Agency, an immigration and naturalized or derived citizenship status information verification system under the SAVE Program known as the Verification Information System (VIS), which can be found at http://www.dhs.gov/xinfoshre/publications/gc_1185458955781.shtm#10;
- (2) Respond through VIS to properly submitted verifications requests from the User Agency by providing the limited information noted in point (1) of **PURPOSE** immediately above;
- (3) Process and respond to properly submitted additional verification requests submitted by the User Agency through VIS or on Form G-845. Response time may vary, depending on DHS-USCIS workload, resources available to process additional verification requests, and the applicant's specific circumstances.
- (4) Provide to the User Agency operating instructions necessary to use VIS so that the User Agency can designate Users within the agency;
- (5) Provide to the User Agency SAVE Program point of contact information for questions or problems regarding the User Agency's participation in SAVE;

- (6) Provide access to training and information regarding the laws, policies, and procedures that govern verifying, safeguarding, using, maintaining, and disclosing certain citizenship and immigration status information;
- (7) Provide the User Agency access to Form G-845, and other forms and/or supplements as appropriate, which may be reproduced and/or computer generated without prior DHS-USCIS approval.
- (8) Recover no more than its actual costs. The total estimated cost of the agreement is specified on the attached USCIS Anticipated Collections from Non-Federal Sources Addendum. The User Agency certifies that it has obligated at least the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum to pay for its SAVE usage. DHS-USCIS shall notify the User Agency's designated Point of Contact (POC) in writing when the amount paid plus what is owed for unpaid usage equals 80 percent of the estimated total costs. DHS-USCIS will not provide services that would result in the amount paid plus the amount owed for unpaid usage exceeding the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum. In this instance, DHS-USCIS will be excused from further performance of the work unless and until the User Agency's authorized official increases estimated total cost of this agreement by modification pursuant to provision VIII of this MOA;
- (9) Submit invoices to the User Agency's payment office at the address specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum, with a copy furnished to the POC. DHS-USCIS may submit invoices when the work is completed or as otherwise authorized. The High Level Identified, tax identification number, and associated dollar amounts will be referenced on all invoices; and
- (1) Promptly initiate year-end and closeout adjustment once final costs are known.

B. User Agency agrees to:

- (1) System Use.
 - (a) Establish the identity of the applicants and require each applicant to present the applicant's immigration or naturalization documentation that contains the information (e.g. alien registration number) required by the SAVE Program;
 - (b) Physically examine the documentation presented by the applicant and determine whether the document(s) reasonably appear(s) to be genuine and to relate to the individual;
 - (c) Provide to the SAVE Program the information the SAVE Program requires to respond to User Agency requests for verification of immigration or naturalized or derived citizenship status information, including (1) information from the applicant's immigration or naturalization documentation for initial automated verification, (2) additional information obtained from the alien's immigration or naturalization documentation for automated additional verification, and (3) completed Forms G-845 and other documents and information required for manual additional verification. For manual only verification, ensure that Forms G-845 and other documents and information required for manual verification are provided;
 - (d) Ensure that, prior to using VIS, all Users performing verification procedures complete SAVE required training including: reading the SAVE Program Guide, taking the latest version of Web tutorial(s) and maintaining a working knowledge of requirements contained therein and in this MOA as updated;
 - (e) Ensure that User Agency representatives are provided with and maintain User Ids only while they have a need to perform verification procedures;
 - (f) Ensure all Users performing verification procedures comply with all requirements contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements;
 - (g) Ensure that all Users performing verification procedures have contact information for the SAVE Program and SAVE Monitoring and Compliance;
 - (h) Ensure all Users perform any additional verification procedures the SAVE Program requires and/or the applicant requests after the User Agency initiates a request for verification;
 - (i) Use any information provided by DHS-USCIS under this MOA solely for the purpose of determining the eligibility of persons applying for the benefit issued by the User Agency and limit use of such information in accordance with this and all other provisions of this MOA;
 - (j) Comply with the requirements of the Federal Information Security Management Act (FISMA (PL-107-347), Title III, Section 301) and OMB guidance as applicable to electronic storage, transport of records between agencies, and the internal processing of records received by either agency under the terms of this MOA;
 - (k) Safeguard such information and access methods to ensure that it is not used for any other purpose than described in this MOA and protect its confidentiality; including ensuring that it is not disclosed to any unauthorized person(s) without the prior written consent of DHS-USCIS;¹

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Each applicant seeking access to information regarding himself/herself may do so by submitting a written signed request to DHS-USCIS. Instructions for submitting such requests may be found on the Freedom of Information/Privacy Act page of www.uscis.gov.

(l) Comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, including but not limited to all OMB and DHS privacy guidance, in conducting verification procedures pursuant to this MOA, and in safeguarding, maintaining, and disclosing any data provided or received pursuant to the MOA;

(m) Comply with federal laws prohibiting discrimination against applicants and discriminatory use of the SAVE Program based upon the national origin, color, race, gender, religion, or disability of the applicant;

(n) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with adequate written notice of the denial and the information necessary to contact DHS-USCIS (see attachment 1: Fact Sheet, which is subject to revision and reposting on the SAVE Website and Online Resources) so that such individual may correct their records in a timely manner, if necessary;

(o) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with the opportunity to use the User Agency's existing process to appeal the denial and to contact DHS-USCIS to correct their records prior to a final decision, if necessary; and

(p) Refrain from using SAVE, or assisting any person or entity, to comply with the employment eligibility verification requirements of Section 274A of the Immigration and Nationality Act, 8 U.S.C. Section 1324a.

(2) Monitoring and Compliance.

(a) Provide the SAVE Program and SAVE Monitoring and Compliance with the current e-mail, U.S. postal service address, physical address, name and telephone number of the User Agency authorized representative for any notifications, questions or problems that may arise in connection with the User Agency's participation in SAVE and with notification of changes in the benefit offered by the User Agency;

(b) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe a violation of this MOA has occurred;

(c) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe an information breach has occurred as a result of User Agency action or inaction pursuant to Office Management and Budget (OMB) Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information";

(d) Allow SAVE Monitoring and Compliance to monitor and review all records and documents related to the use, abuse, misuse, fraudulent use or improper use of SAVE by the User Agency, including, but not limited to original applicant consent documents required by the Privacy Act, 5 U.S.C. Section 552a or other applicable authority;

(e) Allow SAVE Monitoring and Compliance to conduct desk audits and/or site visits to review User Agency's compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA;

(f) Allow SAVE Monitoring and Compliance to perform audits of User Agency's User Ids use and access, SAVE Training Records, SAVE financial records, SAVE biographical information, system profiles and usage patterns and other relevant data;

(g) Allow SAVE Monitoring and Compliance to interview any and all User Agency SAVE system users and any and all contact persons or other personnel within the User Agency regarding any and all questions or problems which may arise in connection with the User Agency's participation in SAVE;

(h) Allow SAVE Monitoring and Compliance to monitor system access and usage and to assist SAVE users as necessary to ensure compliance with the terms of this MOA and the SAVE Program requirements by its authorized agents or designees; and

(i) Take corrective measures in a timely manner to address all lawful requirements and recommendations on every written finding including but not limited to those of SAVE Monitoring and Compliance regarding waste, fraud, and abuse, and discrimination or any misuse of the system, non-compliance with the terms, conditions and safeguards of this MOA, SAVE Program procedures or other applicable law, regulation or policy.

(3) Reimbursement.

(a) Pay the transaction prices provided in the attached current standard billing rates, which along with methods of payment are subject to change upon prior written notifications to the User Agency. Each year, the User Agency will obligate funds sufficient to reimburse DHS-USCIS under a current appropriation upon execution of the attached USCIS Anticipated Collections from Non-Federal Sources Addendum;

(b) Pay in full within 30 days of the invoice date. The User Agency will pay any applicable sales, use, excise, and like taxes, where required by law, that are stated on each invoice. Regardless of payment type, the User Agency will clearly indicate the High Level Identifier with remittance;

(c) If the User Agency pre-pays for its usage, it shall submit the entire committed amount before being allowed to access to VIS; and

(d) Promptly discuss and resolve issues and questions with DHS-USCIS regarding payments. Delinquent payments shall be handled in accordance with the Debt Collection and Improvement Act of 1996, 31 U.S.C. Section 3701. Interest on all unpaid balances shall be charged at the rate of the current value of funds to the United States Treasury effective on the date of the invoice. The rate is the Treasury tax and loan rate. It is published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Handling charges will accrue at monthly rates of \$5.00 for each of the first two months of delinquency and \$10.00 for each month thereafter. In addition to interest and handling charges, if DHS-USCIS does not receive payment within 90 days of the invoice, 6% per annum additional interest will be assessed. Charges will be computed from the date of the invoice and will accrue monthly with the applicable interest and handling charges. In the case of any late payment, the amount received will be applied in this sequence: (1) to any accrued penalty and handling charges; (2) to any accrued interest; and (3) to outstanding principal. Failure to make timely payment may result in termination of services.

V. POINTS OF CONTACT.

USCIS SAVE program MS 2620, U.S. Citizenship Immigration Services, Department of Homeland Security, Washington DC 20529-2620, (888) 464-4218, Attn: SAVE Operations. E-mail: SAVEregistration@dhs.gov.

USCIS SAVE Monitoring and Compliance MS 2640, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20529-2640, (888) 464-4218. E-mail: SAVE.monitoring@dhs.gov.

USER AGENCY - [Name, Title, Address, Phone Number, and Email Address]

VI. OTHER PROVISIONS.

(A) MOA Responsibilities. Only authorized employees, agents, or designees of DHS-USCIS and the User Agency will carry out the requirements of this MOA. In carrying out these responsibilities, they will operate within the scope of applicable regulations, specifically delegated authorities, the program authorities and funding limitations and terms and conditions of this MOA.

(B) Determining Benefit Eligibility. This MOA is limited to the provision of verification services. DHS-USCIS will verify limited citizenship and immigration status information, but will not recommend to the User Agency whether to issue the benefit. The DHS-USCIS response is not intended to be, and should not be construed as, an opinion on the part of DHS-USCIS or the United States regarding any right or benefit under any program administered by the User Agency. The User Agency has the responsibility to determine the applicant's eligibility for the benefit.

(C) Criminal Penalties.

(1) DHS-USCIS reserves the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law.

(2) The User Agency acknowledges that the information it receives from DHS-USCIS is governed by the Privacy Act, 5 U.S.C., Section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOA may be subject to criminal penalties.

(D) Third Party Liability.

(1) Each party to this MOA shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution and/or performance of this MOA, whether civil or criminal, and retain responsibility for the payment of any corresponding liability.

(2) Nothing in this MOA is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees or the User Agency.

(E) Disputes. Disagreements on the interpretation of the provisions of this MOA that cannot be resolved between the DHS-USCIS program office and the User Agency point of contact should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement will be elevated to the next level in accordance with DHS-USCIS procedures for final resolution.

(F) Conflicts. This MOA, its attachments and addenda constitute the full MOA on this subject between DHS-USCIS and the User Agency. Any inconsistency or conflict between or among the provisions of this MOA, will be resolved in the following order of precedence: (1) This MOA and (2) other documents incorporated by reference in this MOA, i.e., the USCIS Anticipated Collections from Non-Federal Sources Addendum, and standard billing rates.

(G) Severability. Nothing in this MOA is intended to conflict with current law or regulation or the directives of DHS, DHS-USCIS, or the User Agency. If a term of this MOA is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOA shall remain in full force and effect. In the event of a conflict that prevents either party from fulfilling its obligations, this MOA may be immediately canceled without providing the 30 day notice period referenced in Section IX.

(H) Assignment. The User Agency may not assign this MOA, nor may it assign any of its rights or obligations under this MOA. To the extent allowable by law, this MOA shall inure to the benefit of, and be binding upon,

any successors to DHS-USCIS and the User Agency without restriction.

(I) Waiver. No waiver by either party of any breach of any provision of this MOA shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOA shall not be construed to be a waiver thereof.

VII. EFFECTIVE DATE.

This MOA shall be effective when the DHS-USCIS authorized official and User Agency authorized official have both signed the MOA. This MOA shall continue in effect unless modified or terminated in accordance with the provisions of this MOA.

VIII. MODIFICATION.

(A) This MOA is subject to periodic review by DHS-USCIS, its authorized agents or designees, and, if necessary, periodic modification and/or renewal to assure compliance with current law, policy, and standard operating procedure(s). This MOA and the attached USCIS Anticipated Collections from Non-Federal Sources Addendum constitute the complete MOA between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of both parties evidenced in writing and signed by both parties and appended to this agreement; and

(B) The User Agency may accomplish a unilateral administrative modification to add funds to the MOA, and either party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (i.e., agreed to and signed by authorized officials of both parties) is required to change any other term of this MOA.

IX. TERMINATION.

Either party may terminate this MOA at any time by providing 30 days written notice of intent. DHS-USCIS, when feasible, will consult with the User Agency and attempt to reconcile issues before terminating this MOA. Notwithstanding any other provision in the MOA, DHS-USCIS may suspend or terminate this MOA without prior notice if deemed necessary because of a requirement of law or policy, upon a determination by DHS-USCIS that there has been a breach of system integrity or security by the User Agency or a failure by the User Agency to comply with established procedures or legal requirements, including but not limited to failure to pay.

Written notice shall be sent to the addresses of the POCs listed herein and shall be effective upon receipt. Either party may change its POC by written notice to the other party.

The foregoing, in conjunction with the referenced and incorporated attachments, constitutes the full agreement on this subject between DHS-USCIS and the User Agency. This MOA supersedes all previous agreements governing the provision of verification services. Those agreements are explicitly acknowledged to be null and void.

The undersigned represent that they are authorized to enter into this MOA on behalf of DHS-USCIS and the User Agency, respectively.

John E. Roessler
Chief, SAVE Program
U.S. Citizenship and Immigration Services
Department of Homeland Security

Pete Liakakis
Chairman
Chatham County Board of Commissioners, Georgia

Date

Date

ADDENDUM
TO THE
MEMORANDUM OF AGREEMENT

BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
AND
CHATHAM COUNTY BOARD OF COMMISSIONERS, GEORGIA

This Addendum identifies the legal authorities allowing the Chatham County Board of Commissioners, Georgia (User Agency) to verify immigration status for the benefits specified in the Memorandum of Agreement (MOA) with the Systematic Alien Verification for Entitlements (SAVE) Program.

Retirement Benefits

Ga. Code Ann. 36-1-11.1, as amended
Ga. Const. Art. IX, § 2, Par. 1(f)
Ga. Const. Art. IX, § 2, par. 3(a)(14).

Occupation Tax Certificates

Ga. Code Ann. § 48-13-6, as amended.

By executing this Addendum, the User Agency officially certifies that the User Agency has enacted any appropriate local legal authority necessary to issue the benefits specified in the MOA and authorized by the Georgia laws listed above.

The undersigned represent that they are authorized to enter into this Addendum on behalf of the SAVE Program and the User Agency, respectively.

John E. Roessler
Chief, Save Program
U.S. Citizenship and Immigration Services
Department of Homeland Security

USER AGENCY OFFICIAL
Title
Program Office
Agency



CHATHAM COUNTY FINANCE

124 Bull Street
Savannah, GA 31401
TEL: (912) 652-7900
FAX: (912) 652-7920

LINDA CRAMER
Finance Director
Lcramer@chathamcounty.org

SAVE – Anticipated Collections Addendum from Non-Federal Sources

1. Agency Information

Agency Name: Chatham County Board of Commissioners, Georgia
Tax ID: 58-60011113
DUNS: 073450090

2. Billing/Point of Contact Information

Name: Chatham County Finance Department
Phone Number: (912) 652-7900
Fax Number: (912) 652-7920
E-mail Address: lgolber@chathamcounty.org
Address: 124 Bull Street, Suite 350
Address #2: P. O. Box 9297
City/State/Zip: Savannah, GA 31401/31412

3. Customer Payment and Budgeting Information

Purchase Commitment Number: None
Payment Method: By check
Amount Budgeted: None
Funds Expiration Date: N/A

4. Program POC

Name: R. Jonathan Hart, County Attorney
Phone Number: (912) 652-7881
E-mail Address: lgolber@chathamcounty.org

This addendum will commence as soon as all signatures are obtained in accordance with the Memorandum of Agreement. Both parties must agree to any amendments prior to their implementation in accordance with the Memorandum of Agreement.

Authorized Signature/Title

John E. Roessler, Chief, SAVE Program

Date

Date

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VII. COMMISSIONERS' ITEMS

None.

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CHATHAM AREA TRANSIT AUTHORITY

Chairman Liakakis said, we will now recess as the County Commission and convene as the Chatham Area Transit Authority.

The Board recessed as the County Commission at 9:40 a.m., and convened as the Chatham Area Transit Authority.

Following adjournment of the Chatham Area Transit Authority, the Board reconvened at 10:26 a.m., as the County Commission.

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EXECUTIVE SESSION

Chairman Liakakis said, okay, we need a motion on the floor now, and Dean [Kicklighter] you want to make that motion about going to Executive Session for land acquisition and litigation?

Commissioner Kicklighter said, move for approval.

County Manager Abolt said, you're recessing.

Commissioner Stone said, second.

Chairman Liakakis said, all in favor go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to recess into Executive Session for land acquisition and litigation matters. Commissioner Stone seconded the motion and it carried unanimously. The Board recessed at 10:26 a.m. [NOTE: Commissioners Thomas, Holmes and Gellatly were not present.]

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Following the Executive Session, the Board reconvened at 10:45 a.m. Chairman Liakakis said, okay, we are now – we'll reconvene after we've had the Executive Session. And there were no votes taken in the Executive Session on the possible litigation and other items.

County Attorney Hart said, Mr. Chairman, I need a vote to approve settlement of the condemnation on Truman Parkway Phase V of \$1,050,000 in total damages for all the parcels to finish out phase five.

Commissioner Stone said, so moved.

Chairman Liakakis said, yeah that's – that's the –

Commissioner Farrell said, second.

Chairman Liakakis said, – what we just discussed in there.

County Attorney Hart said, it's just what we talked about.

Chairman Liakakis said, I have a motion on the floor and a second for approval. Let's go on the Board. Motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to approve the settlement of condemnation for Truman Parkway Phase V of \$1,050,000 in total damages for all the parcels to finish out Phase Five. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

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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 (*).

Chairman Liakakis said, there are no Tabled or Reconsidered items.

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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. **TO REQUEST APPROVAL OF THE FOLLOWING BUDGET AMENDMENTS AND TRANSFERS: 1) TRANSFER \$111,500 FROM THE MOSQUITO CONTROL OPERATING BUDGET TO TRANSFER OUT OF CIP FOR EQUIPMENT REPLACEMENT, 2) TRANSFER \$69,500 FROM THE SPECIAL SERVICE DISTRICT FUND CONTINGENCY TO TRANSFER OUT TO CIP FOR ROADWAY SAFETY PROJECT, AND 3) INCREASE REVENUES AND EXPENDITURES IN THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUND \$181,000 FOR THE TRANSFERS IN FROM THE GENERAL FUND M&O AND SPECIAL SERVICE DISTRICT.**

Chairman Liakakis said, Items for Individual Action, 1, to request approval of the following budget amendments and transfers: transfer of \$111,500 from the Mosquito Control operating budget to Transfer Out to CIP for equipment replacement, 2) transfer \$69,500 from the Special Service District Fund Contingency to Transfer Out to CIP for Roadway Safety project, and 3) increase revenues and expenditures in the Capital Improvement Program (CIP) Fund \$181,000 for the transfers in from the General Fund M&O and Special Service District. Need a motion on the floor.

Commissioner Stone said, so moved, Mr. Chairman.

Chairman Liakakis said, need a second.

Commissioner Farrell said, second.

Chairman Liakakis said, all right, let's go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to approve following budget amendments and transfers: transfer of \$111,500 from the Mosquito Control operating budget to Transfer Out to CIP for equipment replacement, 2) transfer \$69,500 from the Special Service District Fund Contingency to Transfer Out to CIP for Roadway Safety project, and 3) increase revenues and expenditures in the Capital Improvement Program (CIP) Fund \$181,000 for the transfers in from the General Fund M&O and Special Service District. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

AGENDA ITEM: IX-1
AGENDA DATE: June 10, 2011

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

ISSUE:

To request approval of the following budget amendments and transfers: 1) transfer \$111,500 from the Mosquito Control operating budget to Transfer Out to CIP for equipment replacement, 2) transfer \$69,500 from the Special Service District Fund Contingency to Transfer Out to CIP for a Roadway Safety project, and 3) increase revenues and expenditures in the Capital Improvement Program (CIP) Fund \$181,000 for the transfers in from the General Fund M&O and Special Service District.

FACTS AND FINDINGS:

1. The Mosquito Control Director has requested an \$111,500 transfer from the Mosquito Control operating budget to the CIP Fund to purchase a replacement tractor. This equipment was requested in the latest five year CIP document and carried a rating of 74. A staff report is attached.
2. The Public Works and Park Services Deputy director has requested that \$69,500 be transferred from the Special Service District (SSD) Fund Contingency to the CIP Fund for a Roadway Safety project. A staff report is attached.
3. The transfers will require a budget amendment to the CIP Fund to increase revenues and expenditures a total of \$181,000. A resolution is attached.

FUNDING: Funds are available in the General Fund and Special Service District Fund. The budget amendment will establish funding in the Capital Improvement Program Fund.

ALTERNATIVES:

1. That the Board approve the following:

GENERAL FUND M&O

transfer \$111,500 from the Mosquito Control operating budget to Transfer Out to CIP for equipment replacement.

SPECIAL SERVICE DISTRICT FUND

transfer \$69,500 from the Special Service District Fund Contingency to Transfer Out to CIP for Roadway Safety project.

MULTIPLE GRANT FUND

- a) increase revenues and expenditures \$111,500 for a Transfer In from the General Fund M&O for Mosquito Control equipment.
- b) increase revenues and expenditures \$69,500 for a Transfer In from the Special Service Fund for a Roadway Safety project.

2. Amend or deny the request.

POLICY ANALYSIS: State law grants the Board authority to amend the budget during the year as it deems necessary.

RECOMMENDATION: That the Board approve Alternative 1.

Prepared by: Read DeHaven

TO: Board of Commissioners

THRU: R. E. Abolt, County Manager

FROM: Henry B. Lewandowski, Mosquito Control Director

ISSUE: Request Board Approval to purchase an Amphibious Tracked Personnel Carrier.

BACKGROUND: Two amphibious, long reach excavators are used in the dredge material containment areas (DMCA) along the Savannah River to de-water the containment sites. This serves to mechanically prevent mosquitoes from breeding in more than 5,000 spoil acres. An efficient and safe mode of transportation is needed to carry personnel, supplies and equipment throughout this work area.

FACTS AND FINDINGS:

1. Using mechanical means to control mosquitoes in the DMCA's along the Savannah River is beneficial for two reasons: (a) mechanical means of mosquito control prolongs the useful life of chemical pesticides that must otherwise be used to control mosquitoes generated by harbor maintenance activities and; (b) Chatham County is reimbursed by the U.S. Army Corp of Engineers (USACE) for mosquito control operations, including ditching, necessitated by harbor maintenance activities along the Savannah River.
2. In federal fiscal year 2009/2010, ditching alone comprised 94% of the reimbursable expenses allowed by the USACE. Total annual reimbursement now totals \$300,000.
3. Our new approach to ditching, using amphibious, long reach excavators, have proven to be fruitful by reducing the amount of acreage requiring chemical treatment by 80-90%, saving approximately \$4,500 per treatment event.
4. When the ground is table/dry enough, a 1989 non-amphibious Versatile tractor is used to transport staff and supplies to our excavators. Otherwise, the excavators must be walked long distances to make them accessible for servicing. The Versatile tractor was not purchased for this function, is nearing the end of its useful life, and is not designed to transport personnel and materials in an unstable, marsh-like environment.
5. Presently, if the ground is unstable, the excavators are walked to suitable points for servicing. Walking the machines causes excessive track wear and premature track failure. Track assemblies cost approximately \$30,000.00.
6. The requested personnel carrier is designed for unstable and/or amphibious environments and will work in concert with our excavators to safely transport staff and supplies to and from machines. This will increase productivity and eliminate costs associated with walking the excavators.
7. The requested personnel carrier will replace an aging Versatile Tractor.
8. A Request for Bids yielded the following response from qualified companies:
 - a. Coastal Machinery, LLC: \$111,500
 - b. PFM Manufacturing, Inc.: \$ 77,907.

- 9. The machine offered by PFM Manufacturing, Inc. does not meet our stated and required specification and is not suitable for our operations because of insufficient ground clearance: 32" for the Coastal Machinery, LLC machine vs. 13" for the PFM Manufacturing, Inc. machine. A minimum clearance of 30" was specified.

ALTERNATIVES:

- 1. Approve the purchase for an amphibious tracked personnel carrier from Coastal Machinery, LLC for the amount of \$111,500.00
- 2. Postpone the purchase and continue to maintain and operate the existing Versatile tractor at an increased operational cost.
- 3. Provide staff with other direction.

FUNDING: Mosquito Control General Fund M&O Budget, Department #1005144, Account Code 53.17009.

POLICY ANALYSIS: It is consistent with Board policy to support safe, cost effective, and environmentally responsible operations.

RECOMMENDATION: Approve Alternative 1.

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2. REQUEST AMENDMENT OF THE MILLAGE RATE ADOPTION CALENDAR AND PRESENT THE TAX DIGEST INFORMATION FOR TAX YEAR 2011, INCLUDING THE GENERAL FUND M&O, SPECIAL SERVICE DISTRICT AND CHATHAM AREA TRANSIT FIVE YEAR LEVY HISTORY.

Chairman Liakakis said, Item 2, request amendments of the millage rate adoption calendar and present the Tax Digest Information for Tax Year 2011, including the General Fund M&O, Special Service District and Chatham Area Transit five year levy history. Russ [Abolt]?

County Manager Abolt said, Mr. Chairman, Commissioner Stone, Gentlemen, this is the same staff report you read and acted upon as the CAT Board. We in effect have the digest information now, and we're asking that you put yourself in a position to look at all options on the 24th in being able to adopt a budget that is commensurate with the millage rate.

Chairman Liakakis said, okay. We need a motion for the amendment to the millage rate adoption calendar and present – present the tax digest information for tax year 2011.

Commissioner Stone said, so moved.

Commissioner Shay said, second.

Chairman Liakakis said, I have a motion on the floor and a second. Let's go on the board.

Commissioner Farrell said, now this is just for getting ready –

Commissioner Stone said, the amendment.

Commissioner Farrell said, for the millage for two weeks from now?

County Manager Abolt said, same discussion you had in CAT. This puts you in the best position to make a decision on the 24th that will allow you to embrace many alternatives.

Chairman Liakakis said, okay, motion passes.

ACTION OF THE BOARD:

Commissioner Stone moved to amend the millage rate adoption calendar and present the Tax Digest Information for Tax Year 2011, including the General Fund M&O, Special Service District and Chatham Area Transit five year levy history. Commissioner Shay seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

AGENDA ITEM: IX-2
AGENDA DATE: June 10, 2011

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

ISSUE: To request amendment of the millage rate adoption calendar and present the Tax Digest Information for Tax Year 2011, including the General Fund M&O, Special Service District and Chatham Area Transit five year levy history.

BACKGROUND: The 2011 tax digest has been received from the Board of Assessors. State law requires the annual publication of the current year tax digest and five year levy history in local newspapers prior to adoption of the millage rate.

FACTS AND FINDINGS:

1. The Board of Assessor’s office transmitted the Tax Year 2011 property tax digest on May 27, 2011. The digest indicates net decreases of 4.20% in the General Fund M&O, 1.99% in the Special Service District, and 4.14% in the Chatham Area Transit District.
2. Annual publication of the current year tax digest and five year levy history is required by State law. Attached is a copy of the advertisement scheduled for publication in the *Savannah Morning News* on June 9, 2011. The advertisement shows millage rates of 11.109, 4.125, and .95 for the General Fund M&O, the Special Service District and the Transit District respectively. Publication of these rates provides the Commissioners with maximum flexibility when making their ultimate decision on budget adoption.
3. The Tax Assessor has computed roll back rates of 11.109 mils in the General Fund M&O, 3.590 mils in the Special Service District and 0.859 mils in the Chatham Area Transit District. Current millage rates are 10.537 mils in the General Fund M&O, 3.475 mils in the Special Service District and 0.820 in the Chatham Area Transit District.
4. There is a budgetary effect related to the difference between the actual versus projected tax digest. Proposed adjustments will be transmitted to the Board to balance the funds with actual digest amounts. The Board will be asked to approve the amendments to the Proposed FY12 budget on June 24, 2011 concurrent with budget adoption.
5. A revised calendar for adoption of the millage rate is attached. The millage adoption can be moved to June 24, 2011 due to changes in state law related to advertising requirements (page 11).
6. The County Attorney has issued an opinion on the advertising process and procedure for adopting the millage rate. The opinion was used as a guide for preparing the revised calendar. A copy is attached (see page 6).

FUNDING: N/A.

POLICY ANALYSIS: Adoption of the annual budget and tax millage rates are governed by State Code.

ALTERNATIVES:

1. That the Board approve the amended millage adoption calendar.
2. That the Board provide other direction.

RECOMMENDATION: That the Board approve Alternative 1.

Prepared by: Read Dehaven

ORIGINAL DATE	REVISED DATE	TAX DIGEST PROCESS
January 14, 2011	January 14, 2011	Year 2011 Millage Levy Calendar to Board for approval. Once approved, notice sent to Board of Education on Millage Levy Calendar
June 1, 2011	June 1, 2011	Year 2011 Digest provided to Finance for Millage Levy calculations
June 9, 2011	Not Required	Advertise 1 st and 2 nd Public Hearing on Millage Levy to be held on June 21 st at 9:30 a.m. and 6:00 p.m.
June 10, 2011	June 3, 2011	Advertisement of 5-year history to newspaper (June 22, 2011 publication as required by State Law).
June 21, 2011	Not Required	Hold 1 st and 2 nd Public Hearing on Millage Levy - 9:30 a.m. and 6:00 p.m.
June 22, 2011	June 9, 2011	Advertise year 2011 Tax Digest and 5-year history (two weeks prior to millage levy as required by State Law - House

		Bill 66, Act No. 478)
June 24, 2011	June 10, 2011	Year 2011 Tax Digest and 5-year history to Board as information
June 27, 2011	Not Required	Advertise 3 rd Public Hearing on Millage Levy to be held on July 8 th at 9:30 a.m.
July 8, 2011	Not Required	Hold 3 rd Public Hearing on Millage Levy at 9:30 a.m.
July 8, 2011	June 24, 2011	Adoption of year 2011 Chatham County M&O, SSD and Chatham Area Transit Millage Levy by the County Commissioners
July 22, 2011	July 22, 2011	Adoption of Year 2011 Board of Education Millage Levy by the County Commissioners
July 26, 2011	July 26, 2011	Tax Digest to Atlanta
August 1, 2011	August 1, 2011	State Penalty assessed if digest not submitted to the State

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3. PREDICTABLE PERMITTING PROJECT PHASE TWO RECOMMENDATIONS (FINAL PHASE).

Chairman Liakakis said, item 3, Predictable Permitting Project Phase Two recommendation. This is the final phase. Russ [Abolt]?

County Manager Abolt said, yes, sir, Mr. Chairman, Commissioner Stone, Gentlemen, this is one – has been – had been one of your goals for a number of years. As – as you know there was an effort of some size and involvement in this community, the development community, to look at a better way of issuing permits and creating the predictability to them. I want to recognize particularly Commissioner Shay, who a number of years ago said we have to do a better job. We incorporated a lot of smart people on the outside that gave us advice, and we embarked upon this process. We talked about it several months ago as far as the first phase. We now have the final phase and our consultant from Orion ready to talk to you. We also have in the audience some representatives of the task force. Mr. Anderson?

Mr. Gregori Anderson Building and Safety Regulatory Services Director said, thank you, sir. Good morning, Mr. Chairman, members of the Board. Before you today as – as the manager has indicated is Phase Two of the Predictable Permitting Process, which is the final phase. Just to – we have Mandy Dietz with us today with the Orion Development Group, which will give you a synopsis of this – this last phase in our process, but we want to certainly recognize our advisory committee who’s been helpful through this process. That includes representatives from the development community, from the chamber, as well as staff. We also want to recognize our stakeholders, which include representatives from the Homebuilders Association. Many of those may want to speak when we’re done, but we thank them for their input through this process and their – and their patience – patience certainly through the time frame. Once we go through the presentation, you’ll have an opportunity for any questions, and then we’ll proceed from there.

Ms. Mandy Dietz said, thank you and good morning. I am Mandy Dietz with Orion Development Group. It’s nice to see several of you again. I think last year I had a chance to present to you, so the report that I think y’all have received, this is just a – an update on that, and the Phase Two that we’ve been working on. In terms of an agenda, the first thing I wanted to do is to talk briefly about Phase One and implementation and where things are with respect to that, and then we’ll move in to Phase Two which as you may recall, we talked about the permitting fees to begin with and now we’re into the inspection piece of that, and then the – the third portion of that is to talk a little bit about the sustainability, which I think is going forward an area of opportunity and concern for you all as – as we go through that.

Ms. Dietz said, from – over all, if we go back to the permitting inspection and review predictable permitting project, if you will, there were a series of objectives that we’ve established, improving the efficiency and effectiveness of the process, and that really translated into better service, reducing turn-around time, improving the quality, and also improving the predictability so that as the builder was coming into the process they knew what to expect going through it, and over all improving the – the management of the process, the cross-functional interplay if you will. So from a Phase One perspective, on the – on the permitting side, we have a couple of the – of the initiatives that we recommended last year that have been implemented. One of those, getting the files out to reviewers right away, that was particularly in the engineering area, and I think that met with some pretty early on success and doing some up front reviews of the files when they requested applications when they first come in. The third recommendation up there that’s been completed, one of the key breakdowns in communication was that if a consultant was getting information back on the application that it was not completed, the ultimate developer wasn’t aware of that information. So that was a – from an accountability perspective, I think that’s made a big difference to get that – the communication gap that has been closed.

Ms. Dietz said, there are a number of the recommendations that are tied to a Unified Zoning Ordinance recommendation, and until those are – until the Ordinance has been passed, those are still going to be pending. So the pre-app – the pre-application meeting, making sure that if it's a – a significant project we've got the – all the parties to come together to begin with, and in the in-person meetings, again, in the – in the permitting process, one of the issues was that an application gets rejected multiple times and so recognizing at some point in time we just have to sit down and – and address that. So that and then the – the training part – portion of that will depend upon some of the changes that go into the Unified Zoning Ordinance, as well. We have some other process activities that are still in process, and I'm going to talk a little bit about this also at the end, but you can see the list there that some of the items that we identified as recommendations have not been fully implemented but task forces are working on those as we go along.

Ms. Dietz said, all right, so if I move into discussion of the – of the Part Two, again, the first part of the – of the project was focused on the permitting side, which was looking at the site plans, doing the plan reviews, and then the second part now is gonna key in on the vertical construction. It's looking at both horizontal and vertical inspections, but it's ultimately taking us from the point at which we have an approved permit that's been issued through the point of which the Certificate of Occupancy has been issued and the property's added to the tax roll. You might remember from the last presentation that I used sort of this – this type of format, this same thinking if you will that for the inspection process, we have customers of that process and those are the developers and the consultants, the MPC and the Board of Commissioners, and again, everybody pretty much has an expectation that inspections get done timely, they get done accurately, and we have adherence to the code and that overall we've got satisfaction by the building community. And I will say that the – probably the most significant gaps that we're facing right now is the – the rate of reinspection. Now I'll tell you a little bit more about the statistics in a second, but it's – there's a significant number of occurrences where we have an inspection request and then we have to go through a reinspection. And then the other thing is that while we are completing all of them within 48 hours, we got some feedback from the community and some other places that that might still not be the right turn-around time for us. So – but the reinspection rate is one of those things that really jumped out as a key issue for us. And our process is only as good as the inputs coming in, so what you'll see on this – on the next slide is the – take a look at what we're expecting from these folks into the inspection process, and again, probably our most significant gap is that the inspector – or the builders may not be ready for the inspections when they have called for them, and – which is one of the things that is contributing to the reinspections that are – that are being performed. So again, this system's thinking is real important for us when we start talking about the recommendations because we're tackling recommendations not only on the output side but also what's happening in the process and hopefully improving some of the things on the inputs coming in.

Ms. Dietz said, so in terms of the process itself, inspection process actually broke down into the interim inspections that take place from a horizontal view, and those are typically done in the Department of Engineering. And then we have the vertical construction inspections, and those ultimately feed into the final inspections, and we – once again as we did with the Phase One project, we broke these down into detailed process maps, and those are available, I think in the detailed written report. Then ultimately we do the final inspection and then the – the CO and close-out process activities as well. For the interim horizontal inspection, this is where I started talking a minute ago about the reinspection rate. A significant number, most horizontal inspection requests actually are requiring a reinspection and 30-40% of those require multiple reinspections. In technical terms, that ain't right. Somehow we've got to be able to get that number down and that's part of what our focus was on the – on the recommendations. On the vertical construction side, generally, they are – it's a better response rate – I think it's something less than 20% that are requiring reinspection. As you see here, 20-25%, so it's the – and it's not nearly as – as prevalent as it is on the horizontal side. So we're looking at a couple of reasons why that took place, and one of those is that they've already implemented some process changes in the – the Department of Building Service – Building Safety and Regulatory Services – BSRS, and so we've seen the – the effects of some of those already. We also found in the – in the process itself there's some inefficiencies. There's redundant information being entered, and lack – lack of communication and some manual things that could be improved. Those are all things that we can zero in and – and look at for some of the recommendations that we're talking about. We did a survey out to the Homebuilders Association. The response back was fairly small response, but we did get some common information back from them. The first bullet point up there, 100% of them did say, yes, we are getting inspections performed within 48 hours, which is the standard that has been published, and – it's a fairly small response group, but we had a fair number that said that they are being – they are being – the inspections are being approved the first time. That's a little inconsistent with some of our other data, but it's – we know that it's not a hundred percent for sure. In terms of their feedback on the causes for reinspection, the biggest one was disagreement on interpretation of the requirements. So –

Commissioner Odell said, may I ask you a question?

Ms. Dietz said, certainly.

Commissioner Odell said, what kind of population on responses are we talking about? Are we talking about 100 people? 200 people?

Ms. Dietz said, no, sir. Well we sent out a large group of people –

Commissioner Odell said, two people?

Ms. Dietz said, – and we got three responses back.

Commissioner Odell said, so we got three –

Ms. Dietz said, yes, sir.

Commissioner Odell said, – responses?

Ms. Dietz said, yes, sir. So this would not be statistically relevant data for us, but it gave us – but we had –

Commissioner Odell said, right.

Ms. Dietz said, – consistency within that, and we also had about 20 or 25 folks that were present at a meeting earlier this week, and they also were in line with the things that we've been talking about. So – yeah. Let's see, so, again, predominant feedback both in the meeting on Monday, as well as the survey was disagreement on interpretation of the – of the requirements, and in some cases scheduling issues, and heard even more about that on – on Monday backing that one up as well. Generally speaking folks have – have good things to say about the staff and their knowledge level and professionalism, yet given all of that, as the best response we had on terms of overall satisfaction was somewhat satisfied, and that sort of got – got me looking in another direction, and one of the things that I found was that in other counties around the state, and – and I'm actually based south of here in Jacksonville, so I checked some Florida counties as well, most of those counties with whom I spoke have a next business day or 24-hour turn around time. So that may be where part of the disconnect is between yes we're adhering to the standards, yet our standard is somewhat different than some other – some other counties. So that ended up being part of the recommendations that we'll – that we'll talk through. So we came up with it's a – it's a fairly short list of the key recommendations, but one of those – again my focus is on how do we get down those reinspections and the multiple reinspections, and one of the things is to have some sort of checklist that helps the builders know this is exactly what needs to happen on each one of these inspections. Code reference, they've actually implemented a checklist like this on the BSRS side, and that seems to have dropped down the number of reinspections. I've tracked some – some of their data over the last year and a half or so and can see a decline in that number. So we – we're hoping that if we can get a checklist out there and do some reinforcement of that. The second point also falls right along with that. The developers who may sometimes be removed from the day to day activities may not be aware of the number of times these reinspections are taking place. So making sure that everybody's aware of the status on any – any property, any project from an inspection, what's passed, what's not passed, what's hanging out there as outstanding, the information is available out there both in the engineering website, as well as the BSRS website, so each of the department websites have the information. The County information's out there in making sure we make it adequately accessible to them, and also reinforce the availability of it.

Ms. Dietz said, one of the things that to me is a sustainability point that I'll talk about in just a second is – is putting a little bit more structure around capacity planning. Right now it's – it's easy to achieve a lot of the objectives because the volumes are down, but understanding what are the staffing levels, and what are the impacts of staffing cuts on performance turn-around time. So I'm working with them now to put together a little bit of a capacity planning model that will – that will help the folks in the – in the permitting and inspections processes better understand, you know, where their opportunities for improvement are, as well as what some of the impacts of – of potential changes might be. And moving to the next business day turn-around standard, I think that's a – that a important goal for the County to accomplish. It doesn't happen if the first things don't happen. If we don't get the reinspection rate down, if you can think about from a capacity perspective, you've got at least a fourth of your capacity that's available to you if we can get the reinspection rate down, and also address some of the other communication and inefficiencies. So that one's going – I think that will – that will do well for the County on many respects, and I think it will – it will take a little bit of time to make sure that they've got the processes working in that direction. And then the – the fifth recommendation that is specific to this process is to take a look at the LDO, which is the Land Development Office software. It's the – it's the workflow system that is used by – by BSRS, as well as to a certain extent engineering, but we've got some opportunities to – to avoid some snail mail, to avoid sending emails back and forth or making hard copies of things because the work distribution could be happening on the system with some enhancements to that system. The Tax Collector's office is also not attached to that yet but will be by the end of the year with a project that they've got going on. So hopefully the – the use of existing technology will make that a – a more efficient process.

Ms. Dietz said, all right, so the last couple of slides, I just want to spend a couple minutes talking about this. We've come up with over the two projects or the two phases of the project a number of recommendations, and I think the – the key here is how do you implement and sustain those changes, and so just a couple of things that I want to talk about. From a sustainability perspective, there are detailed action plans that go with each of the recommendations, and they should identify, you know, who's – who's performing the activities and when they are going to be done. And then the last bullet point on there is that the progress needs to be monitored. So from a – from measuring performance, we want to take a look at whether or not we are adhering to the dates that we've established in our timeline. So from a measurement perspective, second part of the – of the circle if you will, we should be measuring the performance against those project milestones, making sure those are taking place. We also want to make sure that we're looking at the performance matrix for these processes and most of those surround productivity, turn-around time, and quality. And then we should be happening regularly. A couple of things – that just doesn't happen automatically. Somebody needs to take ownership for the matrix, for collecting the data, for reporting the data, and making sure that they are analyzing those trends for – for progress or accomplishments or issues that are surfacing and be pro-active in that management. And that's really part of that process management mindset. To me, I think the most important one on this whole list is the accountability side of this. That the folks who own the processes associated with these things need to be accountable for execution of the tasks, to get it done, and for the ongoing performance of those processes, and that really should have a cross-functional flare. If the accountability isn't there, as with anything, change does not occur. So I think having the measurement, having a plan in place first, and then being able to deliver on the results and be accountable for that performance, and again recognize the positive results as well, then the last piece of this is the ongoing communication, whether it's with you all, it's with the development community. It's cross-functionally the different departments that are represented in the permitting and inspection review processes, making sure that everyone's aware of what's going on, what progress, where are the gaps, where are the challenges and issues that are being faced, and how do they better communicate internally, as well as communicate externally on the results.

Chairman Liakakis said, Patrick [Shay]?

Commissioner Shay said, thanks for a – a great report. I – I do want to mention one citizen in particular that I think had a lot to do with the genesis of this particular effort, which is I think bearing fruit now, and that's Andrew Feiler. Andrew [Feiler] was the one that sat down with me and explained to me what a process map really was, and I can see that you have carried those – those concepts and ideas forward in a way that I think Andrew [Feiler] will be very excited to – to learn about. You – you made an important recommendation there toward the end of your presentation, and that was that somebody who is very familiar with the metrix or the measurements take over all responsibility for making sure that the process continues to work. Who is that metrix czar in your recommendation? Who is that person that takes that role?

Ms. Dietz said, well I – whether or not it's the collecting the data, I actually – I think Gregori [Anderson] is probably the right person because the permits are issued by BSRS and because the final inspection and transition over to CO happens there, I think that from a process owner perspective I think – my recommendation would be Gregori [Anderson].

Commissioner Shay said, he has a lot of really important titles, but I just wanted to add czar to that.

Ms. Dietz said, czar.

Commissioner Shay said, czar, you know.

Ms. Dietz said, that's a very good one. Yeah.

Commissioner Shay said, thank you.

Chairman Liakakis said, Patrick [Farrell]?

Commissioner Farrell said, I – I appreciate your presentation. It was very informative. I – I believe that as a policy, no time like the present to start the next business day inspection. I – I can see no reason why this community, especially right now in the doldrums that residential construction is in, that we can't implement that and raise the standard in this community. If you call it in on the next – by the end of the next business day that – that inspection should be done in my opinion. So I would – as a Commissioner, I would ask that we seriously look into raising the bar. I think 48 hours for a construction inspection is – is – is too big a window. And I'm also – the second point I'd like to make is it concerns me that if you sent out a large number of requests for feedback that you didn't get it back. You know, a lot of people don't like to say something unless they've got something positive to say. So –

Ms. Dietz said, or negative.

Commissioner Farrell said, so I don't know why they're not responding, but it does concern me that there was such an infinitesimal amount of response to your request for whatever reason. I certainly hope that – that that number can come up so we can have a more representative idea of what's going on. But thank you.

Ms. Dietz said, and I would also suggest from a performance measurement, it's not only looking at the internal metrix in terms of turn-around time and – and productivity numbers and quality, but I think periodically there should be a follow-up satisfaction survey that's done with the Homebuilders Association or the community at large to make sure that you're – you're getting – at the end of the day the real measure of satisfaction is whether or not their needs are being met, and so I would – I would echo that.

Chairman Liakakis said, Helen [Stone]?

Commissioner Stone said, thank you, Mr. Chairman. As I stated in the pre-meeting, I'm really glad to see this finally come to fruition. This was being discussed when I was involved with the MPC, so I really hope now that we've got the structure that let's move with it, not talk about it, not put it on a shelf, but do something about it because this is the opportune time to do it while things are a little slow and get the – get it implemented and get it going. And I do appreciate the people that have been involved with the process because it's long overdue. So thank you.

Chairman Liakakis said, Harris [Odell]?

Commissioner Odell said, what do we need to do, Mr. Chairman, to implement the recommendation made by Commissioner Farrell? And Russ, what –

County Manager Abolt said, really, it is – it is, sir, you've already established it as one of your goals. We're implementing your goal. We've gone over the finish line for the time being. We'd like to have the problem that this presents from the standpoint of a lot of work.

Commissioner Odell said, well does that mean that at some point a staff report's going to be generated, and that staff report's going to tell us – we laid off a fair number of people in inspections –

County Manager Abolt said, 45% –

Commissioner Odell said, – yeah. And – and, you know, I don't want to have them to make bricks without straw. I would like to have a staff report at some point telling us the feasibility of a 24-hour window. And –

County Manager Abolt said, yes, sir. I don't want to interrupt. If I – if I may – first of all, you have been the leader in this among all local governments, and for that you're to be commended. But that aside, I think we have an outstanding – I know we have an outstanding administrator in the czar, Mr. Anderson, and the challenge he and I have are just what

you're saying. It isn't a question of the will to do it, it'll be how we begin to put back in part of that 45% that was cut out. Because as you know, most of Building and Safety is – is – is driven by revenue coming in. So, we're going to have to make some business decisions, and I would probably anticipate in your quarterly financial reports, as we hopefully see the health of the Building and Safety Fund improve from quarter to quarter, you're going to see us add back people. But it's going to be a judgment call. Because there may be some problems up front in the turn-around because it'll be the application for the permits that begins to create the revenue to hire more people back. We'll get through it.

Commissioner Odell said, and at some point we will get the requested information?

County Manager Abolt said, yes, sir, and again, probably – to answer your question directly, it'll probably be manifested in your quarterly financial reports.

Commissioner Odell said, okay.

County Manager Abolt said, as we see the fund getting healthier, then you're going to see steps taken to in effect bring back or hire anew inspectors.

Commissioner Odell said, and my second part of my comments are. We had three respondents. Is that true?

Ms. Dietz said, yes, sir.

Commissioner Odell said, and we sent out how many requests for –

Ms. Dietz said, it went out to the entire Homebuilders Association community. I don't know what that number is.

Mr. Anderson said, we don't know how many that equates to, but we channeled it through the Homebuilders Association which has a couple of hundred members –

Commissioner Odell said, okay.

Mr. Anderson said, – here locally.

Commissioner Odell said, so the survey, did we in fact – you as our consultant mail the survey directly or how was that communicated?

Ms. Dietz said, no, it handled – we gave it to the Homebuilders Association, and they sent it out through their channels.

Commissioner Odell said, so as – as we sit here today or as you stand there, you have no knowledge as to how many homebuilders in fact received the survey?

Ms. Dietz said, no, sir.

Mr. Anderson said, we can get that information if you'd like Commissioner –

Commissioner Odell said, yeah, I –

Mr. Anderson said, – no problem.

Commissioner Odell said, I think that is really very relevant in the sense that we say we only got three people to respond, but we have no idea of how many people we in fact sent the report to. That to me is a concern and b, as part of the process of surveying, I would hope that there'd be some sort of follow-up with each person sent a survey/questionnaire who – who did not respond. You know, because, we may have a situation where the homebuilders are completely happy with what's going on. We may have a situation where they may be completely unhappy and may believe that no matter the input they have, it'll make no difference. We don't know, but as the policy maker, it's incumbent upon us to know. And until we have that bit of the puzzle solved, you know, it's concerning to me that some of the recommendations flow from data that is substantially incomplete.

Ms. Dietz said, well I don't disagree with you in terms of the survey responses; I think that that's an excellent idea. I would also say that most of the recommendations actually came from the internal look. So in addition to the home builders having a small number there, we did talk to eight, ten different counties all of whom have next business day for their turn-around time. So the other – the inefficiencies, the – the reinspection rates, those are all things that I didn't have to have the other – the home – the builders tell us that. I know that from looking at the –

Commissioner Odell said, when you say you talked to eight to ten other counties, earlier in your presentation, you – you'd indicated that you've been in Florida, you talked to some counties in Florida, and I guess my question is, often happiness is closely related to home. In the counties that you surveyed, was Liberty, Bryan, Effingham, Bulloch part of that survey? And – and here's why I say that 'cause a lot of developers – if I'm a developer or a builder, I'm more likely to build in a neighboring County than in a neighboring state.

Ms. Dietz said, right.

Commissioner Odell said, so, happiness, if it's really great in Effingham, and we have something dramatically different, could relate to the level of happiness.

Ms. Dietz said, sure. Sure. There's –

Commissioner Odell said, so my question is in the eight to ten, were the – our neighboring counties part of that eight to ten? That is my question.

Ms. Dietz said, well there were comparable size cities in Georgia, so – Hinesville –

Mr. Anderson said, Hinesville, Liberty County; Bryan County; Macon, Bibb County; Augusta, Richmond County; and – and Effingham County.

Commissioner Odell said, okay, so –

Mr. Anderson said, yes.

Commissioner Odell said, so basically we hit the surrounding counties.

Mr. Anderson said, that's correct, and some of the bigger ones on this side of the – of the – of the map.

Commissioner Odell said, yeah, I – I – I think that is really good as far as surveying because happiness is closer to home. Mr. Chairman, I'm sorry. Go ahead.

Chairman Liakakis said, Patrick [Farrell]?

Commissioner Farrell said, I – as a follow-up to the next business day inspections, rather than have, you know, just a very little information to go on, if – if this couldn't be implemented by say the first of August, I'd like to get some monthly updates for inspections asked for on a – and then how many days it took to get those inspections so that I could start tracking it and correlating it with the number of inspectors, and then maybe comparing that with other entities that do these kinds of inspections because if it – if it's the – the norm in the southeastern United States for 24 hours, you know, and – and we're not able to meet that, then I would like to start seeing some data so that I can start tracking how this is, you know, how this is going so I'll be better informed when there's other requests made in the future.

Mr. Anderson said, sure. And, Commissioner, we do track that internally right now, so it's just a matter of – of providing the information to you.

Commissioner Farrell said, okay.

Mr. Anderson said, just a – as a – as a follow-up, we do make 100% of the 48-hour turn-around that's currently the goal right now. You'll find that some of that is already 24-hour turn around. So – yeah. We're already halfway home, I believe.

Commissioner Farrell said, right. So I – I don't think it's an insurmountable goal. I – I think, you know – but if you give somebody two days to do a job, a lot of times they'll take two days. If you give them a half a day, a lot of times they'll do it in a half a day. So I think the 24 – next business day is a – is a fair turn-around to the – the people providing the service and the ones asking for the service. So.

Ms. Dietz said, I think that's a great example of the performance metrix that we were talking about that should be in place to – and be reported on periodically.

Chairman Liakakis said, there's some concern about three, you know, you had two in one favor and one in not in favor, but let's go beyond that. I think it's our responsibility, we've got a great, you know, Homebuilders Association and real estate people and all. They're really good and all, but I think it's incumbent upon us that when we want this kind of information that we send out and request them individually and not ask some association to give you that information. You see, because, if they're tied up, they might not have been able to get everybody, but they want to have the best inspections. They want to do the best that we can. But really when we have something like that, it's our obligation to make sure, so when we go into this now, let's just don't ask them, let's send out information to them and request it from the individual ones, as many as that we can. Okay? Do you see what I'm saying, Gregori [Anderson]? Because it's better like that because you got some people, you know why they don't answer? Because they think they might be penalized, you know, like that, and I'm not talking about us, but I know somewhere where I was told that hey, I'm stopping complaining because they came and they made me do this, and I started doing that, and then a month later they said I haven't done this, you know, those kind of situations that are going on. And what's really important, according to the particular project, we ought to have a checklist that will go to the owner, the developer, or the builders, whatever the case might be, what is required. Like sometimes people go, and they've got an engineering report. They come back three weeks later and say we've done this, and they say, hey, where's the architecture – architect's report. So all of those kind of things should be put down in a checklist so that everybody understands it, and it makes it much simpler for them so they can cross off, you know, the things that they're needing. Whether it's something with the health department. Whether it's something with a – a certain phase of the building, and that is really important. So that's what I'd like to see, and I'm sure everybody else because this will come out better so that we don't have complaints. We have more satisfied people, and it goes in a faster direction because the developer, the builder, or the owner, whatever the case might be knows what's required, and that's going to reduce reinspections to begin with. Because when they've got that list written down, they know, hey, this has been done, this has been done, and if they don't have it done, then – then Gregori [Anderson] won't be, you know, having to put out that extra effort. They work a lot and try to do the best thing that they can, but the reinspection is because they didn't follow the directions. Okay? All right. Thank you very much. Appreciate all of that.

TO: BOARD OF COMMISSIONERS

THROUGH: R.E. ABOLT, COUNTY MANAGER

FROM: GREGORI S. ANDERSON, DIRECTOR OF BUILDING SAFETY AND REGULATORY SERVICES

ISSUE
 Predictable Permitting Project Phase Two Recommendations (Final Phase)

BACKGROUND
 The Board of Commissioners entered into a contract with the Orion Development Group to develop a “business process re-design” to provide improvement and predictability to the building permitting and inspection process.

- FACTS AND FINDINGS
1. The project was initiated due to the unpredictability of the building permitting process and a desire to foster growth and economic development through the improvement of the process efficiency, reduced time from initial submittal to the addition to the property tax rolls.
 2. The completion of phase one of the project identified ten high priority recommendations to the permit application submittal and plan review steps of the development process.
 3. Phase two addresses the inspection, close-out and certificate of occupancy issuance processes. A survey of the process was conducted of our stakeholder, the local association of homebuilders, in addition to the mapping and evaluation of the current procedures.

POLICY ANALYSIS
 The predictable permitting project process is contained in the executive summary, see attached. The submitted recommendations have been properly vetted through the stakeholders and steering committee and represents the second and final phase of the project.

Phase two includes the mapping and analysis of both the vertical and horizontal inspection processes contained within the building safety and engineering departments respectively. The submitted recommendations will meet the stated goals to make the development process more efficient and predictable through the certificate of occupancy and property tax roll implementation.

RECOMMENDATION
 For Information Only.

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4. REQUEST BOARD APPROVAL OF A CONSTRUCTION MANAGER AT RISK FIRM FOR THE LIBRARY CONSTRUCTION PROJECT.

Chairman Liakakis said, okay, next, Item 4, request Board approval of a Construction Management at Risk firm for the library construction project. And this was an RFP. Yes?

Commissioner Farrell said, I make a motion that we choose Alternative 2, approval to award Construction Manager at Risk contract to R.J. Griffin.

Commissioner Stone said, second.

Chairman Liakakis said, I have a motion on the floor and a second. Any con – anything else? Okay. Let’s go on the board. Motion passes.

ACTION OF THE BOARD:

Commissioner Farrell moved to award the Construction Manager at Risk contract to R.J. Griffin. Commissioner Stone seconded the motion and it carried in a 5-1 vote. Chairman Liakakis and Commissioners Stone, Shay, Farrell, and Kicklighter voted yes and Commissioner Odell voted no. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

AGENDA ITEM: IX-4
AGENDA DATE: June 10, 2011

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Michael A. Kaigler, Assistant County Manager/Director Human Resources and Services

ISSUE: Request Board approval to award a Construction Manager at Risk (CMR) contract to Elkins Constructors, Inc., for the new Garden City and Islands Branch Libraries.

BACKGROUND: In 2002, Live Oak Public Libraries adopted its Long Range Facilities Plan that identified areas of growth and population shifts within Chatham County. The Plan outlined the need for a new, more centrally located Islands Library and Garden City Library. The Islands Library recognized the population growth and the shift within the Eastside of the County. The Garden City Library recognized not only the changing demographics but also acknowledged the potential growth on the Westside. Both areas needed larger, better located library buildings. For SPLOST IV, these two (2) projects were included in the 5th year concurrently and have similar, if not identical, floor plans.

FACTS AND FINDINGS:

1. This project consists of the construction of two (2) additional branches for the Live Oak Library system. One (1) branch is to be located in Garden City, with the other to be located in the Islands area. Each library is to be approximately 18,000 to 20,000 square feet. In order to receive the best value price, it has been determined that the two (2) libraries will be built simultaneously.
2. Staff was directed for this project to contract with a design firm, along with a CMR firm. The purpose is to have the design firm work together with the CMR early on in the project to guarantee the maximum quality at the best value to the County. On 25 March 2011, the Board approved the award of the Design/Engineering contract to Greenline Architecture.
3. Proposals were solicited for a CMR for the two (2) new libraries. The requests for proposal included evaluation factors designed to enable the County to award the CMR contract to affirm whose proposals would be most advantageous to the County. Twelve firms submitted proposals. The proposals were scored by the evaluation committee (See attached matrix for detailed scoring pages 5-7). The evaluation committee used a cutoff score of 150 points to develop the short list. At the March 11th Commission meeting the Board approved a short list consisting of the top three (3) high scoring firms. The evaluation committee interviewed and ranked the three proponents. After scoring the proposals and interviews, Elkins Constructors, Inc., earned the highest score.
4. The firms on the subject list have provided staff with the following teams that include M/WBE and local participation: Elkins Constructors, Inc., located in Savannah, GA, has teamed with two (2) local General Contractors, Collins Construction Services, Inc., of Savannah, GA. (WBE) and Brownstone Construction Group (MBE) as two (2) of their major partners for this contract. Choate Construction, located in Savannah, GA, has teamed with local contractor, B & B Demolition (MBE). RJ Griffin & Company, located in Atlanta, GA has teamed with Satori Construction (MBE) and Rives Worrell (SBE) both of Savannah, GA.
5. Staff requested each firm provide an overall estimate, in terms of percentages, of project dollars to remain in the Chatham County local economy, including dollars expended with local businesses and on local labor. Please see responses in the chart below:

CM at Risk Library Project: Choate Construction

	Chatham County MBEs	Chatham County WBEs	Chatham County SBEs	Chatham County LGBE	Non-Chatham County	Local Business Total
Percentages	15.81%	33.09%	40.41%	10.47%	.22%	99.78%
				Local Labor	Commitment	97.59%

CM at Risk Library Project: Elkins Constructors

	Chatham County MBEs	Chatham County WBEs	Chatham County SBEs	Chatham County LGBE	Non-Chatham County	Local Business Total
Percentages	25%	11%	4%	45%	15%	85%
				Local Labor	Commitment	82%

CM at Risk Library Project: RJ Griffin

	Chatham County MBEs	Chatham County WBEs	Chatham County SBEs	Chatham County LGBE	Non-Chatham County	Local Business Total

Percentages	43%	27%	14%	16%	0%	100%
				Local Labor	Commitment	90%

6. In the CMR process, a Guaranteed Maximum Price (GMP) will be determined at the approximate 65 - 70% design completion phase. At that time, Elkins Constructors will submit a GMP to the County to start the negotiations that will also include a finalized Scope of Work. Once negotiated, the CMR contract will then be amended to include the finalized GMP and Scope of Work. It will then be presented to the Board for final approval.
7. To make the CMR delivery process successful, it is imperative that the County contracts with the CMR firm as early in the design phase as possible, so their input can help the County receive the best possible value.
8. Staff is requesting Board approval of a contract contingent on the School Board approving an agreement with the County to transfer property to the County at the Islands High School site for the construction of a new library building.

FUNDING: No funding is necessary at this time.

ALTERNATIVES:

1. Staff, based upon the evaluation committee’s technical grading of the factors contained within the RFP, recommends awarding the Construction Manager at Risk (CMR) contract to Elkins Constructors, Inc., for the new Garden City and Islands Branch Libraries.
2. Alternatively, Board consideration and approval to award the Construction Manager at Risk contract to R.J. Griffin, based on R.J. Griffin having obtained the highest rating on experience and past performance. Additionally, R.J. Griffin achieved the highest rating for LEED certification.
3. Alternatively, Board consideration and approval to award the Construction Manager at Risk contract to Choate, based upon Choate’s demonstrated performance on several County construction projects, including the Southwest Library and the Records Management Center. Additionally, Choate scored high in LEED certification and financial strength.

POLICY ANALYSIS: As per the Chatham County Purchasing Ordinance, award of contracts for goods and services must be approved by the Board of Commissioners.

RECOMMENDATIONS: Staff recommends approval of Alternative 1.

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X. ACTION CALENDAR

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

Chairman Liakakis said, next item, the Action Calendar. We have items 1 through Item 3, and under 3 we have Items A through R. Do any of the Commissioners want to hold up anything under 3, under Items A through R?

Commissioner Kicklighter said, Mr. Chairman?

Chairman Liakakis said, yes.

Commissioner Kicklighter said, I’d like to hold 3-F, 3-Q and 3-R.

Chairman Liakakis said, give it to me again. Three?

Commissioner Kicklighter said, F, as in France; Q and R as in Rhonda.

Chairman Liakakis said, okay. All right. We need a motion on the floor to approve Items 1 through 3 and the items under 3 hold back items F, Q, and R.

Commissioner Stone said, so moved.

Chairman Liakakis said, do we have a second?

Commissioner Farrell said, second.

Chairman Liakakis said, all right. Let’s go on the board. Motion passes. Okay. Go ahead, Dean [Kicklighter].

As to Item 3-F:

Commissioner Kicklighter said, thank you, Mr. Chairman. Item 3-F is a request to approve \$10,800 for nighttime goggles for Mosquito Control. Again, just at this point in time I just want to point out that \$10,800 is one half years salary for one of the 100 people being proposed to be laid off next year's budget. Night goggles are great, but a half year's salary for one of the people right there. I – I think this is an unnecessary expense at this time. The manager's current budget proposal has a few hundred thousand dollars cut out of CNT, but we have extravagant funds going to fight mosquitos. And again I'll state I think fighting drugs is a little more important than fighting mosquitos. So I think this item is – would be nice, but I think it's a little extravagant considering the times that we're in, so I'll make a – a motion to deny the request.

Commissioner Stone said, Mr. Chairman?

Chairman Liakakis said, Russ [Abolt], you want any comment on that?

County Manager Abolt said, yes, he is – I certainly will.

Commissioner Odell said, shouldn't the motion get a second before there's a comment?

Chairman Liakakis said, oh, do we have a second on that? Okay. It dies lack of that. But just information for you.

Commissioner Kicklighter said, somebody's got to approve it. If – if y'all want to approve it.

Chairman Liakakis said, yeah. Okay.

Commissioner Stone said, Mr. Chairman?

Chairman Liakakis said, but let me just say this to you, Dean [Kicklighter] so that you'll know that, what happens with mosquito control –

Commissioner Kicklighter said, Chairman. Chairman. I honest to God, I understand. But the fact is that we're gonna either raise taxes coming up or we're going to fire 100 people as recommended, and I chose not to spend on extravagant items right now and in the future. It's that cut and dry. And so – but I understand the need if we have all kinds of money. I'd drive a Ferrari if I had a bunch of money.

Chairman Liakakis said, Helen [Stone]?

Commissioner Kicklighter said, but I don't.

Commissioner Stone said, Mr. Chairman, I'm – I would like to hear the need for these goggles. I mean I would like to understand what we're approving.

County Manager Abolt said, it is – again, I am not in any way countering what Commissioner Kicklighter said about our budget challenges. It's an issue of safety. As – as you know, you've seen it testified to you before, the deployment of our pilots who happen to also be, you know, bug killers, it is just extraordinary. We're just trying to put them in the safest position possible when they operate. That's all.

Chairman Liakakis said, I know this from experience, what our people do in that Mosquito Control, not only for mosquito control, insects, whatever it might be, but they are assisting the police department also. The Metro police department or any other law enforcement, or the sheriff's department, and they go out at nighttime, you know, looking for a criminal or somebody that might be lost, and these particular goggles are used just – they are the same things that the military pay this kind of money for so that if they're fighting a fire or if they're looking for something for safety reason, as he says, so it's looking – it's a lot of night work that they have, and it's vital because they cannot perform if they can't see down below at nighttime, especially where you don't have any street lights or anything like that. Because –

Commissioner Kicklighter said, I have a question.

Chairman Liakakis said, yes?

Commissioner Odell said, is this a replacement item?

County Manager Abolt said, no, this would be a new – new – new technology.

Chairman Liakakis said, new. It's a new one.

Commissioner Odell said, new technology.

County Manager Abolt said, like the Chairman said, you know, it's available and because of the tactical deployment of the helicopters, we think it's a legitimate expense. But again, we think it's a legitimate expense. It's your choice.

Commissioner Kicklighter said, question? How many years have we had helicopters and planes with Mosquito Control?

County Manager Abolt said, well, fixed – fixed wing since I – well since I've been here, 23 years at least.

Commissioner Kicklighter said, how many crashes have we had?

County Manager Abolt said, two – two or three.

Commissioner Kicklighter said, were they at night or day or?

County Manager Abolt said, I think they were at day time.

Commissioner Kicklighter said, so we've been flying 23 years without nighttime goggles though?

County Manager Abolt said, well, it – it isn't a question of flying, it's a question of seeing, and the seeing has to do with unusual situations because of the tactical deployment of the chopper. They're – they're not flying at night with goggles to kill bugs. They're out looking for people that have wandered off; they are suffering from dementia. They might be fighting the fires like they did at – at Imperial Sugar. They may be – of course yesterday was a bright a day, but they were up trying to find the perpetrator who shot the officer. So we – it – it is – and I hate to use an off term of use, it is a seamless use of Mosquito Control. I mean they are so intertwined with the public safety aspect in this county that the Chief of Police, the fire folks, never have to think, well can I ask, it's there. And all we're trying to do, like the Chairman said, is put them in the safest environment possible. Or to use the term that they use, it's pilot situational awareness.

Commissioner Kicklighter said, so are we gonna basically get somebody a \$10,000 pair of goggles and then lay them off?

County Manager Abolt said, no, sir.

Commissioner Kicklighter said, 'cause there's 100 – 100 people being proposed to be laid off?

County Manager Abolt said, there's no plans to lay off anybody in Mosquito Control.

Commissioner Kicklighter said, this will fund a half a year's salary for someone.

County Manager Abolt said, and – and please, I don't want to –

Commissioner Kicklighter said, and that's fine – just –

County Manager Abolt said, – to misinterpret –

Commissioner Kicklighter said, – bad stuff's coming down the road so keep – let's keep spending like we – like the federal government. Just knock it out. Somebody make a motion to approve it, and we'll move on.

Chairman Liakakis said, let me – let me say –

Commissioner Kicklighter said, it's a great thing. Mosquito Control's great.

Chairman Liakakis said, I know, but, Helen [Stone]?

Commissioner Stone said, yes, sir?

Chairman Liakakis said, I mean since – I mean Dean [Kicklighter] let me ask this question to Helen [Stone]. Since Helen [Stone] said that she'd like somebody from Mosquito Control to come in and give us the information, just like I said something to the County Manager –

Commissioner Stone said, he's here.

Chairman Liakakis said, – to justify so that we all can see that.

Commissioner Stone said, he's here. He's here.

Chairman Liakakis said, oh. Oh, there's Henry [Lewandowski] there. Henry [Lewandowski]?

Mr. Henry Lewandowski, Mosquito Control Director, said, good morning, Mr. Chairman, Members of the Commission. We – we regard the night vision goggles as a safety item. We – we do have one pair now. Our chief pilot has a pair. Based on your prior approval, we have sold our – one of our airplanes. We have purchased a third helicopter, and we have cross-trained our fixed-wing pilot to now fly helicopters. He's come a long way. He's now already engaged – his training is not finished, and he's already doing mosquito control surveillance, mosquito – adult mosquito control, and he is flying police and CEMA and emergency missions. As a safety item, our chief pilot wears his night vision goggles on all evening missions. He doesn't always use them, but he's – he's always got them on, and if we have to make an emergency landing at night or if our other aircraft had to make a landing, we've got night vision goggles to assist. Night vision goggles also allow us to delay our missions slightly. While we have to spray for adult mosquitos during the daytime, it allows us to move that mission slightly later so – particularly later in the year, we are landing in the dark and the goggles allow us to do this.

Commissioner Odell said, may I ask you a question?

Mr. Lewandowski said, yes, sir.

Commissioner Odell said, my original question was whether or not this was a new technology, and I think understanding what you've said is that we have one pilot who already had goggles.

Mr. Lewandowski said, yes, sir.

Commissioner Odell said, is that true? We have trained a fixed pilot – fixed plane pilot to now operate helicopters and this set would be for that person.

Mr. Lewandowski said, yes, sir.

Commissioner Odell said, is that true?

Mr. Lewandowski said, yes.

Commissioner Odell said, and the reason that you are requesting is a uniform reason and that uniform reason is for crime if, like the other night when we had the police officer, the – we were looking for the person who may have shot the officer, they would be used in that regard . Is – is that true?

Mr. Lewandowski said, yes, sir.

Commissioner Odell said, we use it to search for, like if a child wanders off and this, along with the other pilot would be used – those night goggles to look for someone's child. Could that situation potentially be true?

Mr. Lewandowski said, absolutely, sir. Particularly in low, ambient light conditions. It's – it's not – I won't say it's common, but it has occurred where we are in the middle of a mosquito control mission, and that mission warfs into a police mission or a missing person's search.

Commissioner Kicklighter said, with all due respect, this is so patronizing. I – I understand the need for nighttime goggles, but, you know, I mean, it's great, but when you have money. I mean, I'd have a pair around my house if I could just, you know, afford them. I mean, you know.

Commissioner Odell said, I make a motion to approve.

Commissioner Kicklighter said, yeah, I mean.

Commissioner Farrell said, second.

Chairman Liakakis said, have a motion on the floor to approve this item. Go on the board. Motion passes.

As to Item 3-Q:

Chairman Liakakis said, okay, Item Q. Dean [Kicklighter]?

Commissioner Kicklighter said, Item Q, you may as well stay right up there at the podium. Mosquito Control \$111,000 amphibious track personnel carrier. What does – what do we take the people – I was looking through here and I see where it's to bring the staff out to the things that dig out the trenches, personnel, supplies and equipment throughout the work area where they dig along the– dredge materials along the river. What do we carry the people – what do we utilize now to get them out there?

Mr. Lewandowski said, we – right now we have a Versatile tractor – a Ford tractor. It's over 20 years old now. We've had to plug some money into it for the last several years to keep it going, and because of the changes in operation, it's no longer an appropriate piece of gear out there. It's a tired vehicle, and when the terrain is very wet and soft we cannot use it out there. So the personnel carrier is amphibious. It can go both on land and water to take personnel, fuel, and equipment. A machine gets stuck, we bring cables out to that machine and use the second machine to help pull it out.

Commissioner Kicklighter said, do we have amphibious – amphibious vehicles within our police department that we know of? I mean –

County Manager Abolt said, not, not like this. This is a crawler of some sort. This is – I don't want to say it's unique but it is unique. This is where commit personnel on the northside of Hutchinson Island to do the work in what I refer to as the low and lonesome. They're out there digging ditches, de-watering that. It's – it's a very specialized service, and the type of excavating equipment we have is very specialized and in fact it just stays there. But I defer to Dr. Lewandowski. I've been out there myself on a couple of occasions and – and –

Commissioner Kicklighter said, well –

County Manager Abolt said, it – it isn't something where you could deploy from I don't believe from another department a piece of equipment that would go over this mucky, marshy swamp.

Commissioner Kicklighter said, I just – I want – I want – you do a wonderful job with Mosquito Control, but facing the time that we're facing again in the budget, I want to just remind people we're the only County within the region that even has a Mosquito Control, and I have not one time heard anybody come to me and say, I just moved out of Chatham, Effingham – or Chatham or Bryan County – I mean out of Bryan County or Effingham County because of mosquitos. This – the entire – when you're talking essential services for people, and people remaining and retaining jobs, we are

spending a lot of money in areas that we do not have to spend. Enough said. Someone make a motion to approve. Go – go for it.

Chairman Liakakis said, Helen [Stone]?

Commissioner Stone said, I just want to say one thing. Mosquito Control is important. I happen to have been a victim of encephalitis once in being bitten by a mosquito. This is a public safety issue. And the reason I guess we don't hear about mosquitos being a problem is because we have mosquito control. So I look at this a little differently maybe than Commissioner Kicklighter does. I – I do see this as a public safety issue. I spent a couple of days in the hospital. So, you know, this is important.

Commissioner Kicklighter said, and – and I agree when the monies are there, but again, the current proposal in the budget cuts police officers out of our Chatham County Narcotics team, off of the team. Removes the people that will be fighting drugs in our community, and we have a huge budget for mosquito control. And there's a lot of good things in the world out there, but you prioritize which ones are there, and you know, but that's fine if everyone, you know, it's just – we're gonna either have to cut – cut people or raise taxes. And if everyone up here wants to like everything, which I do, I mean, I like it all, be prepared to raise the taxes or face 100 of the county employees and fire them. Because it's going to be one or the other, and it's that simple, and you have to start somewhere. And new \$100,000 vehicles, \$10,000 goggles, you know, that's a pretty good start, you when you're facing this financial disaster that we're facing. But, I won't preach anymore. Have at it, and I'll watch everyone either raise taxes or fire people. So, let's move along.

Chairman Liakakis said, Patrick [Shay]?

Commissioner Kicklighter said, 'cause it's going to be one or the other.

Commissioner Shay said, Mr. Chairman, I'd like to make a motion that we approve item 3-Q, and I would point out that in our staff report, it points out that the service that's made possible by this vehicle is actually largely reimbursed by the United States Army Corps of Engineers, and that it reduces the amount of chemical treatment that's necessary as a consequence by 80 to 90% and saves exact – approximately \$4,500 per treatment event. So this is an investment not just a straight expenditure, so I'll make a motion to approve.

Commissioner Farrell said, second.

Chairman Liakakis said, got a motion on the floor. Motion passes.

As to Item 3-R:

Chairman Liakakis said, Item R, Dean [Kicklighter]?

Commissioner Kicklighter said, thank you, Mr. Chairman. Contract to provide a nurse practitioner and a registered dietician for the Wellness Program. Nurse practitioner \$85.00 per hour; dietician 50 an hour. What's the cap on this?

Mr. Michael Kaigler, Human Resources Director, said, we have not established the cap. And this is an item that was approved previously, and we're just setting the contract rate for the nurse practitioner and dietician. We're starting our screenings coming up next month, and we'll come back to you with a Not To Exceed amount, but we need to get the contract rate in place.

Commissioner Kicklighter said, with all due respect, in bad financial times, is that a little backwards way to do it? I mean, and I don't mean that disrespectfully. We're – we're – we're literally facing laying off our co-workers or raising taxes for every tax payer out there. I mean approving an amount without a cap, is that the efficient, responsible way to move forward in these terrible, financial times? I don't expect you to answer that, but someone make the motion, and we'll vote. There's no need to beat dead horses over this money we're spending.

Commissioner Odell said, Mr. Chairman?

Chairman Liakakis said, yes?

Commissioner Odell said, we currently spend over \$20 million a year for healthcare. We've gone through an exhaustive study as to how we can control those expenditures. Believe it or not, the overwhelming majority of our people who are – and our people are our employees, who are in that crisis state, really want to improve their quality of life. They do not have the information. This item, I believe, gives them the information. It comes from existing money, and it will be a cost – it will reduce our cost ultimately. It will reduce our cost because it will take people in those high areas of expected hospital stays; we will get to it before it gets to that stage. It's an excellent idea. I'll make a motion to approve.

Chairman Liakakis said, need a second.

Commissioner Shay said, second.

Chairman Liakakis said, let's go on the board. Motion passes.

ACTION OF THE BOARD:

- a. Commissioner Stone moved to approve the action calendar, Items 1 through 3 and under Item 3, Items A through R, except Item 3-F, 3-Q, and 3-R. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]
- b. Commissioner Odell moved to approve Item 3-F, a \$10,800 purchase for one (1) set of ANVIS 9 Unfilmed Autogated Night Vision Goggles from Own the Night, LCEO, LLC for Mosquito Control. Commissioner Farrell seconded the motion and it carried with a 5-1 vote. Chairman Liakakis, Commissioners Stone, Shay, Farrell, and Odell voted yes. Commissioner Kicklighter voted no. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]
- c. Commissioner Shay moved to approve Item 3-Q, a \$111,500 purchase of an amphibious tracked personnel carrier from Coastal Machinery, LLC of Baton Rouge, LA., for Mosquito Control. Commissioner Farrell seconded the motion and it carried with a vote of 5-1. Chairman Liakakis, Commissioners Stone, Shay, Farrell, and Odell voted yes. Commissioner Kicklighter voted no. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]
- d. Commissioner Odell moved to approved Item 3-R, a contract with Ourlife to provide a Nurse Practitioner and a Registered Dietitian to work with the County’s Wellness Program. Commissioner Shay seconded the motion and it carried with a 5-1 vote. Chairman Liakakis, Commissioners Stone, Shay, Farrell, and Odell voted yes. Commissioner Kicklighter voted no. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly 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 MAY 27 , 2011, AS MAILED.

ACTION OF THE BOARD:

Commissioner Stone moved to approve the minutes of the regular meeting of May 27, 2011, as mailed. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MAY 19, 2011 THROUGH JUNE 1, 2011.

ACTION OF THE BOARD:

Commissioner Stone moved to authorize the Finance Director to pay the claims against the County for the period May 19, 2011 through June 1, 2011, in the amount of \$7,810,514. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

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3. 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).

ACTION OF THE BOARD:

Commissioner Stone moved for 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.) Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Software license agreements	ICS	Dell Marketing (State Contract)	\$136,009	General Fund/M & O - ICS
B. Annual software maintenance agreement	ICS	ESRI, Inc. (Sole Source)	\$47,054	•General Fund/M & O - Various •SSD - Various
C. Refurbishing of the exterior of the Pre-Fab tower buildings	ICS	Savannah Communications	\$17,199	General Fund/M & O - Communications
D. Annual software maintenance agreement	ICS	Systems Management Planning, Inc.	\$19,926	General Fund/M & O - ICS
E. Two (2) proxy devices	ICS	Layer 3 Communications	\$27,647	General Fund/M & O - Communications
F. One (1) set of night vision goggles	Mosquito Control	Own the Night, LCEO, LLC	\$10,800	General Fund/M & O - Mosquito Control
G. Extend contract on a month to month up to one (1) year for providing case management duties to the Mental Health Court	Court Administrator	Amanda Wilson	\$16 per hour	Mental Health Court Grant
H. Extend contract on a month to month up to one (1) year for providing case management duties to the Mental Health Court	Court Administrator	Antoinette Joiner	\$15.50 per hour	Mental Health Court Grant
I. Deductive Change Order No. 3 to the contract for the construction of the Tatemville Community Center expansion project due to change in scope of work	Building Safety and Regulatory Services	D.L. Moore Pinnacle, LLC	(\$12,641)	SPLOST (2003-2008) - Tatemville Community Center
J. Confirmation of the emergency purchase of playground equipment for Kings Ferry Boat Ramp	Engineering	Southern Playgrounds	\$29,439	SPLOST (2003-2008) - Kings Ferry Boat Ramp
K. Annual HVAC technical support program service agreement with automatic four (4) years renewal	Juvenile Court	Siemens Technologies	\$71,560	General Fund/M & O - Juvenile Court
L. Construction contract for the Forest City Gun Club Drainage outfall drainage improvement project	Engineering	Griffin Contracting, Inc.	\$102,809	SPLOST (2003-2008) - Queensbury Drainage Improvement
M. Annual service agreement for the repair and maintenance of three (3) X-ray imaging units	Sheriff	Smith Detection (Sole Source)	\$53,730	General Fund/M & O - Sheriff
N. Annual contract with automatic renewal options for four (4) additional one (1) year terms to provide and service portable toilets	Public Works and Park Services	Scotty's Potty's	\$10,626	•General Fund/M & O - Parks and Recreation - \$8,481 •Solid Waste Management - \$2,145
O. Construction contract for street resurfacing of various roads in the unincorporated area of Chatham County	Public Works and Park Services	Carroll & Carroll	\$195,861	SPLOST (2008-2014) - Miscellaneous road resurfacing
P. Declare 32ft boat as surplus and use as a trade-in for a new boat	SCMPD	Charleston Harbor Yacht Sales	Even trade	N/A
Q. Amphibious tracked personnel carrier	Mosquito Control	Coastal Machinery, LLC	\$111,500	CIP - Mosquito Control (pending Board approval of transfer)

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
R. Contract to provide a Nurse Practitioner and Registered Dietitian for the Wellness Program	Human Resources and Services	Ourlife	•Nurse Practitioner - \$85 per hour •Registered Dietitian - \$50 per hour	Employee Health Fund

AGENDA ITEM: X-4
AGENDA DATE: June 10, 2011

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

ITEM A

ISSUE: Request Board approval of a \$136,009 sole source software licenses agreement, off the State of Georgia contract, from Dell Marketing, L.P. for I.C.S.

BACKGROUND: The County is continuing the conversion from NetWare servers to Windows servers for better job productivity. This Enterprise Agreement with Microsoft Corporation through Dell Marketing, for licensing of software will be used on each Chatham County workstation. These licenses are required to run various software applications throughout the Chatham County network.

FACTS AND FINDINGS:

1. State Purchasing awarded this contract through a competitive process based on requirements and specifications of the Georgia Technology Authority.
2. The Enterprise Agreement provides software upgrades and software support for Windows, Exchange, SharePoint, and SMS servers during the life of the agreement.
3. Staff believes the State of Georgia contract pricing of \$136,009 is fair and reasonable.

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

ALTERNATIVES:

1. Board approval of a \$136,009 sole source software licenses agreement, off the State of Georgia contract, from Dell Marketing, L.P. for I.C.S.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary support for applications use for job productivity.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
 LEWIS LEONARD
 BUDGET APPROVAL _____
 GLORIA SAUGH

ITEM B

ISSUE: Request Board approval of a \$47,054 sole source annual software maintenance agreement from ESRI Inc., for various county departments.

BACKGROUND: There are two (2) types of software covered under this maintenance agreement. One (1) software includes the capability to add, change and delete all electronic mapping information produced by the ArcView users. The other software produces maps used in the appraisal process and used by the Engineering Department for GIS Analyst and the Board of Assessors.

FACTS AND FINDINGS:

1. The sole source provider, ESRI Inc., is the only company authorized to maintain and make proprietary changes to the Arc View software.

2. The cost for the software maintenance reflects an increase in price from last year. The increase is due to the purchase and installation of additional software packages and support during the last fiscal year. It also reflects extended prorated maintenance periods so all contracts renew together.
3. Staff believes this total cost of \$47,054 to be fair and reasonable.

FUNDING: General Fund/M & O - Various
SSD – Various

ALTERNATIVES:

1. Board approval of the \$47,054 sole source annual software maintenance agreement from ESRI Inc., for various County departments.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary software maintenance for the using departments.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
LEWIS LEONARD
BUDGET APPROVAL _____
READ DEHAVEN

ITEM C

ISSUE: Request Board approval of a \$17,199 contract for the refurbishing of the exteriors of Pre-Fab Tower buildings from Savannah Communication for I.C.S. department.

BACKGROUND: Savannah Communications previously installed the Pre-Fab Buildings at the base of the towers located on the Westside and at Tybee Island. Both building were installed around 1997.

FACTS AND FINDINGS:

1. Both Pre-Fab buildings need exterior work done. Scrape, prime and paint all exterior metal surfaces, re-caulk all building joints and fittings, re-spray aggregate with stain, repaint all concrete trim paint, re-coat roof with roof coating and install new roof membrane as required to insure that all Radio Equipment in building is kept air tight, dry and bug free.
2. Savannah Communication will utilize the manufacturer of these pre-fab exterior buildings to do all the refurbishing work.
3. Staff believes the total cost of \$17,199 to be fair and reasonable.

FUNDING: General Fund/M & O - Communications Dept.
(1001536 - 54.25001)

ALTERNATIVES:

1. Board approval of a \$17,199 contract for the refurbishing of the exteriors of Pre-Fab Tower buildings from Savannah Communication for I.C.S. department.
2. Provide staff other direction.

POLICY ANALYSIS: The *Chatham County Purchasing Ordinance and Procedures Manual* require certain procedures for the purchase of goods and materials. Staff followed these procedures in this procurement.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
LEWIS LEONARD
BUDGET APPROVAL _____
GLORIA SAUGH

ITEM D

ISSUE: Request Board approval of a \$19,926 annual software maintenance agreement for NetBackup Software from Systems Management Planning, Inc. for the I.C.S. department.

BACKGROUND: NetBackup provides data protection for enterprise environments including recovery of critical applications and databases. NetBackup enables recovery of data, servers, and applications to ensure consistent backup and recovery processes, a single platform to manage, protect, and recover data across storage tiers, locations, and operating systems.

FACTS AND FINDINGS:

- 1. Essential support needs renewal of existing software licences & support for network backup system through Systems Management Planning, Inc. SMP took over the support last year and are allowing us to move to a Terabyte (TB) system with no additional cost for new licenses. The support includes: integrated data protection and recovery for virtual environments, critical applications, databases, and servers.
- 2. This maintenance agreement provides advanced disk-based data protection features that include data reduplication, new virtual tape library (VTL) controls, support for third-party disk appliances, and more snapshot capabilities.
- 3. Staff believes this cost of \$19,926 to be fair and reasonable.

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

ALTERNATIVES:

- 1. Board approval of a \$19,926 annual software maintenance agreement for NetBackup Software from Systems Management Planning, Inc. for the I.C.S. department.
- 2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to provide the necessary software and support to provide for backups of data on the County network.

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 \$27,647 purchase from Layer 3 Communications for two (2) Palo Alto Networks PA-2020 Intrusion Prevention Proxy devices, for the I.C.S. Department.

BACKGROUND: Every County user/workstation utilizes these devices each time an external website is accessed. These devices provide protection from: malicious sites, viruses, malware, and prohibited sites.

FACTS AND FINDINGS:

- 1. ICS staff has inspected current proxy devices and recommends replacement due to the fact that the devices are out dated and unserviceable.
- 2. These devices are crucial to the level of defense we provide to the Chatham County network for users accessing all websites.
- 3. ICS staff obtained pricing from the following three (3) vendors:

Layer 3 Communications Norcross, GA	\$27,647
Networks & Interactives Thomasville, GA	\$31,140
SeeGee Technology Atlanta, GA	\$33,060

- 4. Staff believes the total cost of \$27,647 to be fair and reasonable.

FUNDING: General Fund/M & O - Communications
(1001536 - 52.22001)

ALTERNATIVES:

- 1. Board approval of a \$27,647 purchase from Layer 3 Communications for two (2) Palo Alto Networks PA-2020 Intrusion Prevention Proxy devices, for the I.C.S. Department.
- 2. Provide other direction.

POLICY ANALYSIS: It is consistent with Board policy to approve the purchase of essential hardware to run needed software applications used throughout the County.

RECOMMENDATION: Staff recommends approval of Alternative 1.

I.C.S. APPROVAL _____
 LEWIS LEONARD
 BUDGET APPROVAL _____
 GLORIA SAUGH

ITEM F

ISSUE: Request Board approval of a \$10,800 purchase for one (1) set of ANVIS 9 Unfilmed Autogated Night Vision Goggles from Own the Night, LCEO, LLC for Mosquito Control.

BACKGROUND: Mosquito Control’s helicopter pilots are flying an increasing number of evening and night missions under low ambient light conditions. These operations include: adult mosquito control missions, Chatham Emergency Management Agency evolutions, and Savannah-Chatham Metropolitan Police Department support. Night vision goggles would significantly improve the safety of our evening and nighttime missions.

FACTS AND FINDINGS:

1. Chatham County’s MD 500 helicopters are an essential component of our Mosquito Control program and an invaluable asset to other County departments.
2. The timing of our aerial adult mosquito control operations have shifted to a later time, closer to sunset, to more effectively control nuisance mosquitoes and those that carry West Nile virus.
3. Night vision goggles allow post disaster recovery operations that may be conducted during power outages.
4. The Fixed-Wing Pilot has cross-trained and qualified as a Helicopter Pilot in Command.
5. Without the aid of night vision goggles, the Fixed-Wing Pilot cannot participate in all nighttime operations.
6. The Chief Pilot is a Qualified Night Vision Goggle Instructor. Therefore, the Fixed-Wing Pilot can be trained in-house, saving Chatham County approximately \$5,000 to become qualified to use night vision goggles.
7. The Federal Aviation Administration (FAA) and National Transportation Safety Board (NTSB) have investigated helicopter accidents and found that “Controlled Flight into Terrain” was the most significant risk encountered by pilots and the related accidents can be attributed to “Pilot Loss of Situational Awareness .” Controlled flight into terrain is an aviation accident caused by pilot disorientation under low light conditions rather than a mechanical failure or other type of pilot impairment.
8. The Federal Aviation Administration (FAA), Helicopter Association International (HAI), National EMS Pilots Association (NEMSPA), and Airborne Law Enforcement Association (ALEA) have made a commitment to lower Helicopter accidents. They have determined that night vision goggles are the best and most cost effective tool to increase pilot situational awareness, thus lowering the risk of “Controlled Flight into Terrain”.
9. Night vision goggles will enhance the safety of our aerial missions, allow operations during power grid failures, and remove current limitations on night operations.
10. Staff has solicited quotes for ANVIS 9 Unfilmed, Autogated, Night Vision Goggles and received quotes from three (3) vendors:

Own the Night, LCEO, LLC: Waterford, NY	\$10,800
Optic Planet.com: Northbrook, IL	\$11,681
Nightline, Inc. Miami, FL	\$12,152

FUNDING: General Fund/M&O - Mosquito Control
 (1005144 - 53.17009)

ALTERNATIVES:

1. Board approval of a \$10,800 purchase for one (1) set of ANVIS 9 Unfilmed Autogated Night Vision Goggles from Own the Night, LCEO, LLC for the helicopter program.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to support safe, cost effective, and environmentally responsible operations.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM G

ISSUE: Request Board approval for Chatham-Savannah Mental Health Court to extend the Professional Services Agreement with Amanda Wilson on a month to month basis up to one (1) year, or as long as grant funding is available, 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 (MHC) 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 MHC 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. The position was originally filed by Joseph Smith, who was replaced by Amanda Wilson with the Board approving a Professional Services Agreement on 28 May 2010, which is due to expire in June 2011.
2. Amanda Wilson will continue to function as an independent contractor providing Case Management duties to the Mental Health Court, and agrees that she is an independent contractor.
3. Amanda Wilson will work a 40 hour work week, be paid at a rate of \$16.00 per hour on a month to month basis for up to one (1) year, or as long as grant funds are available.
4. Amanda Wilson agrees she is not a County employee, and is not entitled to County benefits or privileges, and that she is not guaranteed employment beyond the term of the grant award.

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

ALTERNATIVES:

1. Board approval for Chatham-Savannah Mental Health Court to extend the Professional Services Agreement with Amanda Wilson on a month to month basis up to one (1) year, or as long as grant funding is available, 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.
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 and is funded by grant dollars.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
TOM DRANE

ITEM H

ISSUE: Request Board approval for Chatham-Savannah Mental Health Court to extend the Professional Services Agreement with Antoinette Joiner on a month to month basis for up to one (1) year, or as long as grant funds are available, under the terms of the Georgia Criminal Justice Coordinating Council's (CJCC) Edward Byrne Memorial Justice Assistance Grant Program (JAG) grant authorized under the American Recovery and Reinvestment Act (ARRA) of 2009 awarded to Chatham County 30 December 2009.

BACKGROUND: The CJCC awarded \$161,463 to Program #3, Specialty Courts/Case Management and Coordination Services in Three Therapeutic Courts and for Other Indigent Probationers with Special Supervisory Needs to the Eastern Circuit (Chatham County) to support government entities comprising the criminal justice system in the Eastern Circuit on 30 December 2009. On 15 January 2010, Chatham County Chairman Pete Liakakis signed the award acceptance.

FACTS AND FINDINGS:

1. After advertising through Chatham County's Human Resource Department, performing reference checks and interviewing 12 applicants, Antoinette Joiner was selected to fill the position of 30 hour case manager for the Chatham-Savannah Mental Health Court utilizing a portion of this funding. The Board approved

a Professional Services Agreement with Antoinette Joiner on 28 May 2010, which is due to expire in June, 2011. This position will provide for a better success rate among Mental Health Court clients.

2. Antoinette Joiner will function as an independent contractor providing Case Management duties to the Mental Health Court, and agrees that she is an independent contractor.
3. Antoinette Joiner will work a 30 hour work week, be paid at a rate of \$15.50 per hour on a month to month basis for up to one (1) year, or as long as grant funds are available.
4. Antoinette Joiner agrees she is not a county employee, and is not entitled to county benefits or privileges, and that she is not guaranteed employment beyond the term of the grant award.

FUNDING: Mental Health Court Grant
(2502100 - 52.12099 - 25024122)

ALTERNATIVES:

1. Board approval for Chatham-Savannah Mental Health Court to extend the Professional Services Agreement with Antoinette Joiner on a month to month basis for up to one (1) year, or as long as grant funds are available, under the terms of the Georgia Criminal Justice Coordinating Council’s (CJCC) Edward Byrne Memorial Justice Assistance Grant Program (JAG) grant authorized under the American Recovery and Reinvestment Act (ARRA) of 2009 awarded to Chatham County December 30,2009.
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 and is funded by grant dollars.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
TOM DRANE

ITEM I

ISSUE: Request Board approval of **deductive** Change Order No. 3, in the amount of \$12,641, to the construction contract with to D.L. Moore Pinnacle, LLC, for the Tatemville Community Center Expansion to remove additional unsuitable soil/material.

BACKGROUND: On 19 November 2010, the Board approved a construction contract with D.L. Moore Pinnacle, LLC for the construction of the Tatemville Community Center Expansion project. This work includes a new building addition to include a multi-purpose room and support spaces. The addition will be connected to the existing building. It is to be a metal pre-engineered steel building with a shingle roof, vinyl composition tile flooring and ceramic tile floor.

FACTS AND FINDINGS:

1. On 11 February 2011, the Board approved Change Order No.1 which added three (3) alternatives to the expansion project.
2. The cost for Alternative 1 was reduced by the contractor based on a reduction of roofing materials and labor costs. The deductive amount is \$8,016.
3. Alternatives 2 & 3 were eliminated due to increase in material costs and modification to the project priorities, based on building code requirements. The deductive amount for both alternatives is \$ 4,625.
4. Contract history:

Original Contract (11/19/10)	\$474,000
Change Order #1 (2/11/11)	34,561
Change Order #2 (3/11/11) NTE	65,688
Change Order #3 (pending)	<u>(\$12,641)</u>
Revised contract amount	\$561,608

FUNDING: SPLOST (2003 - 2008) - Tatemville Community Center
(3234980 - 54.13011 - 32370263)

ALTERNATIVES:

1. Board approval of **deductive** Change Order No. 3, in the amount of \$12,641, to the construction contract with to D.L. Moore Pinnacle, LLC, for the Tatemville Community Center Expansion.
2. Provide staff with other direction.

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

RECOMMENDATIONS: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM J

ISSUE: Request Board confirmation of the \$29,439 emergency purchase of playground equipment, from Southern Playgrounds, for the Kings Ferry Boat Ramp Park.

BACKGROUND: Construction of paving and layout improvements for Kings Ferry Boat Ramp Park is currently underway. The playground equipment was dated and unfit for use. It was removed to accommodate the park improvements. New equipment which meets current safety and disability standards is needed.

FACTS AND FINDINGS:

1. Staff obtained pricing from three (3) vendors that Public Works and Park Services routinely uses to supply playground equipment. Southern Playgrounds provided the most equipment for the least price. The agreement for \$29,439 includes installation and equipment costs for a swing set and play structure.
2. The equipment vendor, Southern Playgrounds, requires an agreement from the County prior to ordering the equipment from the manufacturer. The manufacturer agreed to extend a 20% off sale price thru the end of business 27 May 2011. If the agreement was not signed by that date the cost would increase by approximately \$4,900.
3. Staff requested emergency approval from the Chairman so the playground equipment could be ordered thereby allowing the County to obtain the 20% cost savings. He concurred (see attached page 23) and directed staff to seek Board confirmation at their next scheduled meeting.

FUNDING: SPLOST (2003 - 2008) - Kings Ferry Boat Ramp
(3234981 - 54.14009 - 32370447)

ALTERNATIVES:

1. Board confirmation of the \$29,439 emergency purchase of playground equipment, from Southern Playgrounds, for the Kings Ferry Boat Ramp Park.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to confirm all emergency purchases approved by the Chairman.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
CHRIS MORRIS

ITEM K

ISSUE: Request Board approval of an annual HVAC Technical Support Program Service Agreement with Siemens Technologies, which automatically renews for four (4) additional years for a total five (5) year cost of \$71,560 for Juvenile Court.

BACKGROUND: This Technical Support Program was specifically developed to support the unique HVAC systems at Juvenile Court and the software and comptrollers are proprietary.

FACTS AND FINDINGS:

1. Siemens has maintained the HVAC system since the warranty period ended after the facility was opened. They have provided excellent service over the years and the monitoring system has been cost effective.
2. The agreement contains annual 5% increases for each year as follows:

Year 1	7/1/2011 to 6/30/2012	\$12,951 annually	paid \$3,238 quarterly
Year 2	7/1/2012 to 6/30/2013	\$13,598 annually	paid \$3,400 quarterly
Year 3	7/1/2013 to 6/30/2014	\$14,277 annually	paid \$3,570 quarterly
Year 4	7/1/2014 to 6/30/2015	\$14,993 annually	paid \$3,749 quarterly
Year 5	7/1/2015 to 6/30/2016	\$15,741 annually	paid \$3,936 quarterly
3. Staff believes these annual costs are fair and reasonable considering the significant investment in a complex technical facility.

FUNDING: General Fund/M&O - Juvenile Court
(1002600 - 52.22001)

ALTERNATIVES:

1. Board approval of an annual HVAC Technical Support Program Service Agreement with Siemens Technologies, which automatically renews for four additional years at a total five year cost of \$71,560 for Juvenile Court.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to approve maintenance and service agreements in order to maintain County facilities.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
GLORIA SAUGH

ITEM L

ISSUE: Request Board approval to award a \$102,809 construction contract with Griffin Contracting, Inc., for the Forest City Gun Club Drainage Outfall drainage improvement project.

BACKGROUND: The Forest City Gun Club Drainage Outfall project is part of the 2003-2008 SPLOST Drainage Program. Problems being addressed include inadequate drainage capacity and caused by drainage infrastructure inadequately sized and not maintained due to lack of access.

FACTS AND FINDINGS:

1. Standing water is a common problem on residential streets and yards in the residential area abutting the eastern boundary of the Forest City Gun Club site. The problem typically exists for several days following rain events. The problem is attributed to inadequate drainage capacity and lack of access for maintenance.
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 the Club's shooting ranges unusable and caused them to lose an opportunity to host a Georgia State Sporting Clays shoot event scheduled for May of 2010. Not being able to host the state shoot at the Forest City Gun Club represented lost revenue for the Club as well as lost tourism revenue to the local economy since many of the competitors are from out of town.
3. Staff determined that there was an opportunity to improve stormwater drainage in the residential areas and at the same time assist the Gun Club with their drainage problems. A Memorandum of Understanding (MOU) with the Gun Club was approved by the Board on 4 December 2009 to facilitate this opportunity.
4. The Forest City Gun Club Drainage Outfall project is a result of the MOU. The project was properly advertised and seven (7) bids were received and opened 12 May 2011. The bid responses are as follows:

Griffin Contracting, Inc. Pooler, GA	\$102,809
* Sandhill ALS Construction, Inc. Hardeeville, SC	\$116,210
Harbor Construction & Contracting, LLC Savannah, GA	\$126,770
Seaboard Construction Co. Brunswick, GA	\$132,224
Groundworks Contracting, Inc. Savannah, GA	\$138,627
Malphrus Utilities, LLC Ridgeland, SC	\$154,900
** E & D Contracting Services, Inc. Savannah, GA	\$202,120

* MBE firm
** WBE firm

FUNDING: SPLOST (2003 - 2008) - Queensbury Drainage Improvements
(3234250 - 54.14021 - 32380470)

ALTERNATIVES:

1. Board approval of a \$102,809 construction contract with Griffin Contracting, Inc., for the Forest City Gun Club Drainage Outfall drainage improvement project.
2. 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 _____
CHRIS MORRIS

ITEM M

ISSUE: Request Board approval of an annual Sole Source Service agreement with Smith Detection, Morristown, NJ for the repair and maintenance of three (3) X-Ray Imaging Units used at the Chatham County Courthouse and Chatham County Juvenile Court, which automatically renews for four (4) additional years at a total five(5) year cost in the amount of \$53,730.

BACKGROUND: This service agreement covers the normal maintenance and services on three (3) X-Ray units. These units are used to x-ray bags, packages, etc. brought into the buildings and is an integral link to ensure the safety of citizens, employees and judicial staff visiting and working in and around the buildings.

FACTS AND FINDINGS:

1. This is considered a sole source purchase for maintenance performed by the manufacturer of the equipment - Smith's Detection. By using a multiple year agreement, this will save the County \$8,000.
2. When an X-Ray unit is non-functional, security staff are required to hand search each and every purse, briefcase, package, bag, etc. brought into the building. This method is time consuming and not considered the most reliable nor industry recommended method. Hand searching causes tremendous congestion and delays due to the increased time needed to clear visitors, employees, judicial staff and their belongings. These units ensure a continued secure and safe environment for the visitors and staff using the building.
3. If a failure occurs, by terms of the service agreement, a technician is on-site in hours; thus reducing down-time of any unit. If maintenance were not kept up to standard, replacement cost of a unit would be above \$40,000. Renewing the service agreement is the most cost effective solution.

FUNDING: General Fund/ M&O - Sheriff
(1003300 - 52.39001)

ALTERNATIVES:

1. Board approval of an annual Sole Source Service agreement with Smith Detection, Morristown, NJ for the repair and maintenance of three (3) X-Ray Imaging Units used at the Chatham County Courthouse and Chatham County Juvenile Court, which automatically renews for four (4) additional years at a total five(5) year cost in the amount of \$53,730.
2. Provide staff other direction.

POLICY ANALYSIS: It is consist with Board policy to approve service agreements in order to maintain necessary security equipment in top operating condition.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM N

ISSUE: Request Board approval to award an annual contract, with automatic renewal options for four (4) additional one year terms, to Scotty's Potty's of Savannah, to provide and service portable toilets at specified Parks and Recreational Facilities and at three Recycle/Drop-Off Centers.

BACKGROUND: Portable toilet rental services are required on a continuous basis at various Park and Recreational Facilities and at various Recycle/Drop-off Center locations.

FACTS AND FINDINGS:

1. Bids were publicly advertised and opened 17 May 2011. Bidders were required to provide a monthly service cost (including unit rental) for each location, all subsequent year price adjustments, and pricing for units that are required on an "as needed" basis for special events. The attached (see pages 25-26) is the recap which shows the unit prices offered by each firm based on known county requirements, the annual price offered by each firm is as follows:

	Waste Pro Bluffton, SC	\$10,626/Year 3% Increase (Years 2-5)
**	Scotty's Potty's Savannah, GA	\$16,320/Year (\$10,626) No Increase (L/P)
	Nature's Calling, Inc. N. Charleston, SC	\$17,964/Year 2% Increase (Years 2-5)
**	WBE	

2. On 27 March 1998, the Board approved a "local preference" policy which, when a firm from outside Chatham County submits the "lowest quote" the policy allows the lowest local vendor to match the "lowest" quote. If the local firm does match the "lowest" quote, the local firm is awarded the purchase. As indicated above, a non-Chatham County firm offered the "lowest low" quote. The Chatham County firm was asked if they would match the outside firms' quote. As indicated, Scotty's Potty's did match the "lowest" quote. This constitutes a savings of \$ 5,694.
3. Staff believes Scotty's Potty's adjusted bid of \$10,626 to be reasonable and fair.

FUNDING: General Fund/M&O- Parks and Recreation (\$8,481)
(1006100 - 52.23201)
Solid Waste Management (\$2,145)
(5404501 - 52.39001)

ALTERNATIVES:

1. Board approval to award an annual contract, with automatic renewal options for four (4) additional one year terms, to Scotty's Potty's of Savannah, to provide and service portable toilets at specified Parks and Recreational Facilities and at three Recycle/Drop-Off Centers.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to award contracts for essential services to the low responsive bidder.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM O

ISSUE: Request Board approval to award a \$195,861 contract to Carroll and Carroll Inc., of Savannah, Georgia to resurface streets at various locations within the County for Public Works and Park Services.

BACKGROUND: Various roads within the Unincorporated area of Chatham County have either reached, or are at the end of their life expectancy. There are various routes in the County that require resurfacing. This project will address twelve routes in Kingswood, St. James Place, Seagate, Wilmington Park, Harbor Creek, Battery Point Plantation Subdivisions, South End of Wilmington Island and the Buckhalter Road areas.

FACTS AND FINDINGS:

1. The overall effort equates to 31,830 square yards of resurfacing and 13,504 linear feet of road striping. The routes below were selected on the basis of the Pavement Condition Report and input from County staff.
2. The routes for resurfacing include the following:

 Drake Drive from Kings Way to Prince Charles Court
 Prince Charles Court from Drake Drive to end
 King Edwards Drive from Kings Way to end
 Blakely Drive from Whitefield Avenue to Old Montgomery Road
 Green Turtle Cay from Old Dock Road to end
 Binnacle Court from Crossover Lane to end
 S. Cromwell Road from Biltmore Road to Biltmore Road
 Biltmore Road from Wilmington Island Road to S. Cromwell Road

Todd Street from Wilmington Island Road to Walthour Road
 Sandnettlles Drive from Quarterman Drive to Calley Road
 Sand Road from Calley Road to a marked location
 Sand Road from Debra Road to Hillary Road
 Buckhalter Road from Garrard Avenue West to a marked location
 Buckhalter Road from Railroad Crossing East to a marked location

3. This project was properly advertised and five (5) bids were received and opened on 31 May 2011. The bid results are as follows:

Carroll and Carroll, Inc. Savannah, GA	\$195,861
Griffin Contracting, Inc. Pooler, GA	\$230,797
R.B. Baker Garden City, GA	\$235,174
* Savannah River Utilities Springfield, GA	\$266,192
Seaboard Construction Company Brunswick, GA	\$270,848

*MBE firm

4. The Department was authorized \$250,000 from SPLOST V for the resurfacing effort. The low bid came in at \$195,861, which leaves \$54,138 to be utilized for additional resurfacing efforts this calendar year.

FUNDING: SPLOST (2008-2014) - Road Resurfacing
 (3244220 - 54.14001 - 32456767)

ALTERNATIVES:

1. Board approval to award a \$195,861 contract to Carroll and Carroll, Inc. of Savannah, Georgia to resurface streets at various locations within the county for Public Works and Park Services.
2. Provide staff other direction.

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

RECOMMENDATION: Staff recommends the approval of Alternative 1.

BUDGET APPROVAL _____
 TOM DRANE

ITEM P

ISSUE: Request Board approval to declare 32 ft boat as surplus and use as a trade-in for a new boat from Charleston Harbor Yacht Sales for Marine Patrol.

BACKGROUND: In calendar year 2010, Chatham County Commission approve the donation of the 32' Silvership vessel from Southern LNG for Police-Marine Patrol use.

FACTS AND FINDINGS:

1. Charleston Harbor Yacht Sales has offered Chatham County a trade for the 32' SilverShip for a 23' Contender Center Console that will be better suit for the Marine Patrol.
2. This boat would better suit our mission, would be more cost efficient to operate and maintain and be an all-round better patrol boat than the SilverShip.

FUNDING: No funding is required

ALTERNATIVES:

1. Request Board approval to declare 32 ft boat as surplus and use as a trade-in for a new boat from Charleston Harbor Yacht Sales for Marine Patrol.
2. Provide staff other direction.

POLICY ANALYSIS: It is consistent with Board policy to support safe and efficient county operations.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
GLORIA SAUGH

ITEM Q

ISSUE: Request Board approval of a \$111,500 purchase of an amphibious tracked personnel carrier from Coastal Machinery, LLC of Baton Rouge, LA., for Mosquito Control.

BACKGROUND: Two (2) amphibious, long reach excavators are used in the dredge material containment areas (DMCA) along the Savannah River to de-water the containment sites. This serves to mechanically prevent mosquitoes from breeding in more than 5,000 spoil acres. An efficient and safe mode of transportation is needed to carry personnel, supplies and equipment throughout this work area.

FACTS AND FINDINGS:

1. Using mechanical means to control mosquitoes in the DMCA's along the Savannah River is beneficial for two reasons: a) mechanical means of mosquito control prolongs the useful life of chemical pesticides that must otherwise be used to control mosquitoes generated by harbor maintenance activities and; b) Chatham County is reimbursed by the U. S. Army Corps of Engineers (USACE) for mosquito control operations, including ditching, necessitated by harbor maintenance activities along the Savannah River.
2. In the federal fiscal year 2009/2010, ditching alone comprised 94% of the reimbursable expenses allowed by the USACE. Total annual reimbursement now totals \$300,000.
3. Our new approach to ditching, using amphibious, long reach excavators, has proven to be fruitful by reducing the amount of acreage requiring chemical treatment by 80-90%, saving approximately \$4,500 per treatment event.
4. When the ground is stable/dry enough, a 1989 non-amphibious Versatile tractor is used to transport staff and supplies to our excavators. Otherwise, the excavators must be walked long distances to make them accessible for servicing. The Versatile tractor was not purchased for this function, is nearing the end of its useful life, and is not designed to transport personnel and materials in an unstable, marsh-like environment.
5. Presently, if the ground is unstable, the excavators are walked to suitable points for servicing. Walking the machines causes excessive track wear and premature track failure. Track assemblies cost approximately \$30,000.
6. The requested personnel carrier is designed for unstable and/or amphibious environments and will work in concert with our excavators to safely transport staff and supplies to and from machines. This will increase productivity and eliminate costs associated with walking the excavators.
7. The requested personnel carrier will replace an aging Versatile tractor.
8. Request for Bid were properly advertised and opened 26 May 2011. The bid responses are as follows:

PFM Manufacturing, Inc. Townsend, MT	\$77,907
Coastal Machinery, LLC Baton Rouge, LA	\$111,500
9. The machine offered by PFM Manufacturing, Inc., does not meet our stated and required specification and is not suitable for our operations because of insufficient ground clearance: 32" for the Coastal Machinery, LLC machine vs. 13" for the PFM Manufacturing, Inc., machine. A minimum clearance of 30" was specified.

ALTERNATIVES:

1. Board approval of a \$111,500 purchase of an Amphibious Tracked Personnel Carrier from Coastal Machinery, LLC of Baton Rouge, LA, for Mosquito Control.
2. Provide staff other direction.

FUNDING: CIP - Mosquito Control (pending Board approval of transfer)
(3505144 - 54.21003)

POLICY ANALYSIS: It is consistent with Board policy to support safe, cost effective, and environmentally responsible operations.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
RUSHEDA ADESHINA

ITEM R

ISSUE: Request Board approval of a contract with Ourlife to provide a Nurse Practitioner and a Registered Dietitian to work with the County's Wellness Program.

BACKGROUND: At the 11 March 2011 meeting, the Board approved expansion of the Employee Wellness Program to target individuals in high risk categories. Research has shown that consultations with a Nurse Practitioner and/or a Registered Dietitian can effectively help individuals in high risk categories successfully manage and improve their health condition.

FACTS AND FINDINGS:

1. In 2009, the County offered Health Risk Assessments (HRAs) at no cost to employees. Beginning in July of this year, the County plans to offer screenings at no cost to both employees and dependents ages 18 and over.
2. As an extension of the HRA process, a Nurse Practitioner (NP) will review the screening results of each employee and dependent. Upon reviewing the results, the NP will identify individuals who would benefit from a targeted wellness program. Once these individuals have been identified, the NP will begin one-on-one counseling specific to the health condition. Additionally, if an employee or dependent needs dietary assistance, the NP will make referrals to a contracted Registered Dietitian. Quarterly reports of this program will be provided to the Board.
3. Staff is requesting authorization to contract with Ourlife for a NP at an hourly rate of \$85 and a Dietitian at an hourly rate of \$50 per hour.

FUNDING: Employee Health Fund
(6509130 - 57.30101)

ALTERNATIVES:

1. Board approval of a contract with Ourlife to provide a Nurse Practitioner and a Registered Dietitian to work with the County's Wellness Program.
2. Provide staff other direction.

POLICY ANALYSIS: As Chatham County continues to foster a healthy environment for its employees, expanding the Wellness program to include consultation with a Nurse Practitioner and Registered Dietitian will not only improve employee health but in the long term reduce health plan costs.

RECOMMENDATION: Staff recommends approval of Alternative 1.

BUDGET APPROVAL _____
 READ DEHAVEN
 PREPARED BY _____
 PURCHASING AGENT
 =====

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.

Chairman Liakakis said, there's nothing under First Readings.

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XII. SECOND READINGS

1. **MODIFY THE CHATHAM COUNTY REVENUE ORDINANCE FOR VARIOUS FEES AT THE AQUATIC CENTER, INCREASE SOLID WASTE FEE AND AMEND SECTIONS RELATING TO PUBLIC UTILITY TAXES – CABLE TV FRANCHISE FEES AND HOTEL/MOTEL TAX.**

Chairman Liakakis said, Second Readings, Modify the Chatham County Revenue Ordinance for various fees at the Aquatic Center, increase Solid Waste Fee and amend sections relating to Public Utility Taxes - Cable Television Franchise Fees and Hotel/Motel Tax.

County Manager Abolt said, Mr. Chairman, Commissioner Stone, Gentlemen, this – this has been a part of my budget proposal to you and is in my budget message. It is dependent obviously upon amendments to the Revenue Ordinance which is before you today on Second Reading. There are a variety of issues dealing with hotel/motel taxes, auditing, public utility franchise fees, and the one you've discussed – some aquatic fees changes, and also it would make solvent the dry trash service. As you – as you know in the past there has been some discussion on how best to fund it, and we've chosen – and you have partially concurred in using a fee-based structure in which the service can continue. It's currently funded at – at 50% of it's total cost of \$85 a year for a residential homeowners in the unincorporated area. What we're asking for is if you approve this it would in fact increase that charge just 80 cents a week and that is for really what Mr. Drewry reminds me last night – we're sending a vehicle to pick up yard waste, limbs, debris, once a week every week of the year, and then once a month in addition to those four trips that month, we have a special trip going to pick up household goods, old furniture and things like that. So for the money it's probably the best investment one could make. The alternative would be to cut the service or allow the private sector to do it. I can only say from personal experience that one clean up in one's yard would be a heck of a lot more than \$85 then – then you would for this. This is – this is a bargain. But again, these are all issues before you in a Revenue Ordinance, and we would ask your decision today if possible.

Chairman Liakakis said, Helen [Stone]?

Commissioner Stone said, Mr. Chairman, I'm – this is a very difficult issue, but something that sticks out in my mind, and I know that Commissioner Farrell's done a lot of work on this, but we're looking at increasing the franchise – franchise fees by 5% and this is something that the people in the unincorporated area pay into; we get nothing in return, and now we're going to look at doubling what we're currently paying for dry trash, and I just think it's wrong, and I – I can't support it. I just think it's wrong.

Commissioner Kicklighter said, Mr. Chairman, may I?

Chairman Liakakis said, oh yeah, Dean [Kicklighter]?

Commissioner Kicklighter said, I think it'd be easily productive if we could split this motion into two separate motions, and so I'll just – first motion I'll make to strike the wording from the paragraph, and then we can come back and vote that separately if y'all would like, to strike the word "increase solid waste fee". Strike that sentence from that, and I'll make a motion to approve the rest of it as worded there.

Commissioner Farrell said, second. Got a question. On the cable TV franchise fees? Does that change the 5%?

County Manager Abolt said, we – we're just meeting state and federal requirements is all we're doing.

Commissioner Stone said, but it's still –

Commissioner Farrell said, so if – if you have a –

Commissioner Stone said, – it's still an increase.

Commissioner Farrell said, – there's only one cable provider in the unincorporated area that I'm aware of, and my question is will the customer see a difference in their bill when –

Ms. Linda Cramer, Finance Director said, no, that – the franchise fee remains the same. We're just tightening up our – our ordinance to comply with state law.

Commissioner Farrell said, thank you.

Commissioner Odell said, we'll just right what is already being done?

Ms. Cramer said, yes, sir.

Chairman Liakakis said, okay, do we have a second on that?

Commissioner Farrell said, I seconded.

Chairman Liakakis said, okay. Let's go on the board. Motion passes.

Commissioner Kicklighter said, at this time I would like to make a motion – well – would anybody else like to make a motion on this? This is the increase solid waste fee?

Commissioner Stone said, I'll make a motion to deny it.

Chairman Liakakis said, anybody?

Commissioner Farrell said, you don't have –

Commissioner Stone said, I don't have to?

Commissioner Farrell said, you don't have to deny it.

Commissioner Stone said, okay. Okay. All right. Well that's – that's why I was asking why we needed a motion when you said we needed a motion –

County Attorney Hart said, you need a motion to –

Commissioner Kicklighter said, procedure wise, I would recommend not making a motion to deny because a tie vote causes one to lose. So if you are against the fee, leave it as is.

Commissioner Stone said, okay.

Commissioner Shay said, Mr. Chairman?

Chairman Liakakis said, yes?

Commissioner Shay said, I'm going to defer to the Commissioners that represent the Special Service District in their predominance on this at this time, but I think we have to become realistic at some point about how to deal with the issues in the Special Service District unincorporated area –

Commissioner Stone said, yes.

Commissioner Shay said, – as to the provision of services without getting enough revenue into our government to cover the costs of providing those services. If it is the will of the Special Service District representatives that we not do this today, then so be it, but we – we do have to at some point –

Commissioner Stone said, address it.

Commissioner Shay said, – address this issue in a way that is revenue neutral and not do it the way that we're doing right now, which is collecting half of the amount of money that it takes to provide the service. I just – that's an editorial comment only.

Commissioner Stone said, okay.

Chairman Liakakis said, Patrick [Farrell]?

Commissioner Farrell said, I agree with Commissioner Shay that it – it needs to be addressed, and I think it would best be addressed after the – the rest of the budget is addressed. There – there is an option 4 that has some positive ramifications for fairness, and if that in the – in the SSD budget, and if that were incorporated then, you know, I would be in support of the solid waste fee to carry to that service.

Commissioner Stone said, right.

Commissioner Farrell said, but in that sequential order before I would be comfortable going that direction.

Commissioner Stone said, I concur with that.

Chairman Liakakis said, so we have no vote on this then.

County Manager Abolt said, Mr. Chairman, can I – please, I apologize. I – I believe I know legislative intent, but I will say what I think you are doing with this and you tell me if I am wrong. By – by this inaction, we would continue to fund this service from our reserve, and we told you in the budget just so you know, that there would be sufficient funds in that reserve to get us through this next fiscal year but we forecast that in September a year from now the money will go away. But again I don't see anything in this lack of a motion that you're telling me to cut the service. Is that correct?

Commissioner Stone said, we're not –

Commissioner Odell said, we – that has to –

Commissioner Shay said, say it.

Commissioner Odell said, – that has to be it Russ.

Commissioner Stone said, yeah. I mean –

Commissioner Odell said, that has to be it.

Commissioner Stone said, the motion –

County Manager Abolt said, I'm just – I'm just saying the obvious 'cause I know I'll be asked.

Commissioner Stone said, it's not to cut the service.

Commissioner Odell said, but we have dry trash collection out in my district, it's called the City of Savannah, and it only affects those in the unincorporated area where the majority – and if they are content with that – I'll follow their lead. If they –

Commissioner Stone said, this is not to cut the service.

Chairman Liakakis said, okay, then we go on to the next thing.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to strike the sentence "increase solid waste fee" and approve the rest of the Chatham County Revenue Ordinance for various fees at the Aquatic Center and amend sections relating to Public Utility Taxes - Cable TV Franchise Fees and Hotel/Motel Tax. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Holmes was not present for the vote. Commissioners Thomas and Gellatly were not present.]

AGENDA ITEM: XII-1
AGENDA DATE: June 10, 2011

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

ISSUE:

Modify the Chatham County Revenue Ordinance for various fees at the aquatic center, increase the solid waste fee and amend sections relating to Public Utility Taxes – Cable TV Franchise Fees and Hotel/Motel Tax.

BACKGROUND:

The County's fiscal 2012 budget will be adopted in June 2011. The Chatham County Revenue Ordinance has been updated to reflect changes in rates and fees resulting from the budget process. On August 13, 2010, the 2010 Revenue Ordinance was approved by the Board of Commissioners.

FACTS AND FINDINGS:

1. Recreation Fees Section 2 – Aquatic Center needs to be amended to reflect changes in various fees and new fees for Out of Town Renters as shown in Attachment 1.
2. On June 12, 2009, the 2009 Revenue Ordinance was approved by the Board of Commissioners. At that time, a solid waste fee of \$85.00 was implemented. Subsequently, on June 26, 2009, the Commissioners voted to change the fee to \$43.00. Article V Section 3 needs to be amended to change fee from \$43.00 back to \$85.00. This revenue change is being proposed to offset the costs of curbside dry trash pickup. Presently, the fund is being balanced using Net Assets. If this continues, Net Assets will be depleted by Fall 2012. See Attachment I.
3. After reviewing Article I Public Utility Taxes – Part 1 Cable TV Franchise Fees, several changes to the wording need to be made in order to meet State and Federal requirements. See Attachment II. Changes are underlined.
4. Recently an audit of hotel motel taxes was completed by Mallie Clark, Internal Auditor. During his audit, he discovered differences between the County Revenue Ordinance and the County Code and O.C.G.A. regarding the taxation of hotel motel establishments. Attachment III shows the changes needed to Article F. for the Revenue Ordinance to agree with O.C.G.A. 48-2-40 and 48-13-58. Corresponding changes for the County Code have been forwarded to the County Attorney's Office.

FUNDING:

Not applicable.

POLICY ANALYSIS:

In accordance with adopted financial policies, the Finance Department will submit an updated Revenue Ordinance for approval each year within 45 days of annual budget adoption. Amendments to the Ordinance may be submitted throughout the year.

ALTERNATIVES:

1. As described in Facts and Findings, modify the Revenue Ordinance to make changes to the aquatic center fees, solid waste fees, Cable TV Franchise Fee sections and hotel/motel sections as shown in Attachments I, II and III. The change will be effective July 1, 2011.
2. Provide the Finance Department with other guidance.

RECOMMENDATION:

That the Board follows Alternative 1.

RECOMMENDED REVENUE ORDINANCE CHANGES
Attachment I

Appendix F.

Section 2 Chatham County Aquatic Center:

Summer League/High School Lane Rental Fee
 From \$5.75 to \$6.00 Peak per lane per hour
 From \$4.75 to \$5.00 Non-Peak per lane per hour

Out of town USA Swimming Lane Rental Fee (New Fee)
 \$6.00 Peak per lane per hour
 \$5.00 Non-Peak per lane per hour

General Lane Rental Fee
 From \$9.75 to \$10.00 Peak Per lane per hour
 From \$7.40 to \$7.65 Non-Peak per lane per hour
 From \$7.75 to \$8.00 (Non-Profit) Peak per lane per hour
 From \$5.75 to \$6.00 (Non-profit) Non-Peak per lane per hour

USA Swimming Lane Rental Fee

From \$4.75 to \$5.00 Peak per lane per hour
 From \$3.75 to \$4.00 Non-Peak per lane per hour

Competitive Swim Meets for Out of County Facility Renters (New Fee)
 \$11.00 per hour Lifeguards
 \$1600 – Exclusive rental of facility
 \$1100 – Exclusive rental of 50 meter pool
 \$200 – Per hour - 8 racing lane rental with timing system
 \$172.50 – per hour – 8 racing lane rental with starter system only
 \$160.00 – per hour – 8 racing lane rental without timing and starter system

Attachment II**Article I. Public Utility Taxes – Part 1. Cable Television Franchise Fee****Section 1 License Required; Application; Issuance**

Before any person, firm or corporation shall be allowed to proceed with the installation of its community antenna television system hereunder, it shall first file an application for such franchise with the County or with the State of Georgia. If the applicant files with the County, the following is required – applicant's name and address; the date and place of incorporation if applicant is incorporated; a list of names and addresses of stockholders, directors and officers of applicants if incorporated; the most recent certified balance sheet of corporation or partnership or a sworn statement of net worth if applicant is an individual; location of all other CATV operations of applicant; the means of erecting wires contemplated by applicant; section or sections of the County contemplated where operation of franchise will be begun by applicant; attached policy or certification of insurance showing worker's compensation, liability and indemnification as prescribed by this Ordinance; and attached certified check in the amount of One Thousand Dollars (\$1,000.00) for applicants with less than one hundred (100) subscribers or Ten Dollars (\$10.00) per subscriber for applicants with more than one hundred (100) subscribers, payable to Chatham County, which check shall be returned to an unsuccessful applicant or applied toward payment of the initial franchise fee for a successful applicant, agreement to fully perform the contract and upon a determination of a failure to do so, franchise fee shall forfeit that portion of the fee that has been applied toward the payment of the initial franchise fee; an agreement to comply with and be bound by all ordinances of the County together with an agreement to be bound by all future ordinances regulating CATV in the County and otherwise as pertains to a renewed franchise; and, such other information as required by the County Manager.

Section 2 Performance Bond

Prior to the granting of such franchise, applicant shall also file with the County a Performance Bond if there will be construction within the County's rights-of-way in the amount to be negotiated with sufficient sureties, in favor of the County, conditioned on said franchisee's faithful execution of the obligations under this Ordinance.

Section 3 Initial Franchise Fee & Subsequent Annual Gross Revenue Payments Required

Each franchise shall pay the initial franchise fee at the time it receives its license pursuant to this Article. In consideration of permission to use the streets and public ways of the County for the construction, operation, maintenance, and reconstruction of a cable system within the unincorporated areas of the County, the franchise shall pay to the County a quarterly franchise fee of 5% of its annual gross revenue taken in and received by it from all of the unincorporated areas of Chatham County during the preceding fiscal year. Gross Revenue is defined by O.C.G.A. 36-76-2.

Article F. Section 5 Penalties – (Present Ordinance)

When any person or firm liable fails to make a return or pay the full amount of the required tax by the 20th of each month, a penalty of 5% of the unpaid tax or \$5.00, whichever is greater, shall be due and bear interest at the rate of 0.75% per month, or a fraction thereof, from the due date of taxes until the date of payment at the County Finance Department.

Section 5 Penalties and Interest - (Proposed)

In accordance with O.C.G.A. 48-13-58, when any person or firm liable fails to make any return or to pay the full amount of the tax required by this article, there shall be imposed, in addition to other penalties provided by law, a penalty to be added to the tax in the amount of 5 percent or \$5.00, whichever is greater, if the failure is for not more than 30 days and an additional 5 percent or \$5.00, whichever is greater, for each additional 30 days or fraction of 30 days during which the failure continues. The penalty for any single violation shall not exceed 25 percent or \$25.00 in the aggregate, whichever is greater. If the failure is due to providential cause shown to the satisfaction of the governing authority imposing a tax under this article in affidavit form attached to the return and remittance is made within ten days of due date, the return may be accepted exclusive of penalties and interest. In the case of a false or fraudulent return or of a failure to file a return where willful intent exists to defraud the governing authority of any tax due under this article, a penalty of 50 percent of the tax due shall be assessed.

Past due taxes shall bear interest at the rate of one percent (1%) per month from the date the tax is due until the date the tax is paid. Any period of less than one month shall be considered to be one month. (O.C.G.A. 48-2-40).

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XIII. INFORMATION ITEMS

Chairman Liakakis said, you've all been receiving the information items that's in your material that was sent to you. And do we have anything else?

- 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 (NONE FOR THIS AGENDA).**

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

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ADJOURNMENT

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at approximately 11:50 am.

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APPROVED: THIS _____ DAY OF JUNE, 2011.

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

JANICE E. BOCOOK, CLERK OF COMMISSION