

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BEN HILL COUNTY COMMISSIONERS
HELD ON AUGUST 6, 2013 AT 6:30 PM IN THE
BEN HILL COUNTY COURTHOUSE ANNEX

Those present for the meeting were as follows:

Philip C. Jay III	Chairman
OD Netter	Vice-Chairman
Scott Downing	Commissioner
Daniel Cowan	Commissioner
Bennie Calloway	Commissioner
Frank Feild	County Manager
Toni Sawyer	County Attorney
Donna Prather	County Clerk

Chairman Philip Jay III called the meeting to order.

Pastor Terry Cole gave the invocation.

Everyone gave the Pledge of Allegiance.

Amendments To The Rules Of Order And, Or Changes To The Agenda Request

Commissioner Scott Downing made a motion to relax the rules on addressing the Chairman, Commissioners, and the public. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner Scott Downing, Commissioner Daniel Cowan, and Vice-Chairman OD Netter all voting for the motion. Commissioner Bennie Calloway opposed the motion.

Approval of the Agenda

Vice-Chairman OD Netter made a motion to approve the agenda and to add ACCG District Eleven (11th) Meeting to the agenda under New Business. Commissioner Daniel Cowan seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Commissioner Scott Downing all voting for the motion.

Public Comments:

Bill Lafaber expressed his concerns about the number dogs running loose on Niagra Road, the Cotton Mill, and in the City. He suggested the Animal Control Officer be dispatched to the area that is being reported instead of using a pager. He also mentioned those that call in to report loose dogs should not have to use their personal address and phone number because he didn't want to come home find one of his horses dead.

Acceptance of Prior Minutes

Commissioner Bennie Calloway made a motion to approve the Public Hearing minutes held on July 9, 2013. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner Bennie Calloway, Commissioner Daniel Cowan, and Vice-Chairman OD Netter all voting for the motion. Commissioner Scott Downing abstained from the vote.

Commissioner Scott Downing made a motion to approve the Regular Monthly Meeting minutes held on July 9, 2013. Vice-Chairman OD Netter seconded the motion; which

passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion. Commissioner Scott Downing made a motion to approve the Workshop Meeting minutes held on July 24, 2013. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Scott Downing, Commissioner Bennie Calloway, Commissioner Daniel Cowan, and Vice-Chairman OD Netter all voting for the motion.

Commissioner Scott Downing made a motion to approve the Special Called Meeting minutes held on July 25, 2013. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Scott Downing, Vice-Chairman OD Netter, Commissioner Bennie Calloway, and Commissioner Daniel Cowan all voting for the motion.

Commissioner Bennie Calloway made a motion to approve the Special Called Meeting minutes held on July 31, 2013. Vice-Chairman OD Netter seconded the motion; which passed with Commissioner Bennie Calloway, Vice-Chairman OD Netter, Commissioner Scott Downing, and Commissioner Daniel Cowan all voting for the motion.

Constitutional Officer: NONE

Elected Officials and Department Head Reports: NONE

County Board Reports: NONE

County Manager's Report

County Manager Frank Field reported the 2012 Audit has been posted to the Carl Vinson Institute of Government website and the Ben Hill County website.

He also stated we have seventeen (17) departments that were under budget for 2012. We are preparing certificates of financial excellence to present to them at next month's meeting. He mentioned the Tax Assessor, Road Department, and Solid Waste will be receiving this recognition the second year.

He reported he received an email from from one of our citizens about asking about State, Counties, and Cities promising pensions they can't afford. The citizen wanted to know how this would affect the employees of Ben Hill County. Mr. Feild stated to answer the citizen question; the County has Defined Benefit Pension Plan. The payments are made directly into a Charles Schwab Trust fund; therefore the pension that has been promised to our employees is already deposited.

Mr. Feild pointed out the Commission approved a letter on Jul 31, 2013 to be sent to the Ben Hill Volunteer Department summarizing the issues that must be resolved in order to continue negotiating a new contract. The letter was sent Certified Mail on August 1, 2013 and delivered August 5, 2013. The contractor has fourteen (14) days to resolve these issues.

He stated we have prepared a check for August that honors the terms of the last signed contract and it has been mailed, so the contractor does not need to visit the Commission Office.

Mr. Feild also reported the 2013 LMIG road resurfacing has begun with Stevens Road, Meadowlark Lane, Cherokee, and Jeff Davis.

Commissioner Scott Downing mentioned the amount of road signs that was replaced last month by the Road Department. He stated at some point, the Commission needs to discuss this issue.

Annexation Request: NONE

Rezoning Application: NONE

Alcohol Application: NONE

Old Business:

Board of Equalization Pay Increase

Chairman Philip Jay said I want to emphasize that my asking for this to be reconsidered has nothing to do with any lack of appreciation on my part for the work done by the board members on the equalization board or any other board for that matter. Being willing to serve on anything associated with taxes in this day and time is an example of a civic contribution rarely equaled. I simply see this matter as an opportunity for the commission to reassess our process for making budgetary decisions as well as to better define our priorities for the citizens we represent.

- Frank's recommendation for the commission not to support it was strong and unequivocal. More than any one individual, our county manager has borne the brunt of decisions that brought BHC back from the brink of bankruptcy. Trusting his considered judgment is in our best interest as demonstrated over the last year...especially in a decision involving such relatively few dollars.
- The recommendation was not one Betty Lynn would have made. I believe her views should be considered.
- There seems to be considerable confusion on the details.
- Street committee: \$100 a day raises for board members approved by commission; \$500 a week.
- The unintended consequences are significant.
 1. The Tax Assessor has been urging her chairman, Jasper Stewart, to give their board a similar raise and he took the position that now was not the time because of the county's financial straits. Our decision puts each of them in a bad position.
 2. It sends the wrong message to employees who have not received cost of living adjustments in years.
 3. It sends a message to the public that the commission's process for budget decisions is not as deliberative as it should be given the emphasis commissioners have put on the necessity of establishing responsible reserves to avoid the fiscal crisis we've just overcome.
 4. The commission and staff have spent an enormous amount of time deciding how not to spend money. We need to spend an equal amount of time deciding how to spend it.

Chairman Jay asked Commissioner Scott Downing to state his opinion concerning the motion that was made to give the Board of Equalization a pay increase.

Commissioner Downing stated he had several concerns. He asked the County Attorney Toni Sawyer to explain a letter that was written in 2009 concerning the Board of Equalization pay. She stated according to state law the Board of Commissioners set the pay for the Board of Equalization and their pay can't be less than \$50.00 a day for training and time spent for hearings.

Commissioner Downing asked Vice-Chairman OD Netter what was the motion regarding the Board of Equalization pay increase. Mr. Netter stated anytime they have a hearing in the morning, take a lunch, and comeback that evening for more hearings, they should get paid a \$100.00 and if they are off at training they will get \$50.00.

Mr. Netter stated if the board members have hearings an entire day they should get paid a \$100.00 because some of them are taking off from work to be present at the hearings. He stated the only adjustment is when the Board of Equalization is having hearings a full day or if they split the days up and come two different days instead of all day, they still get the \$100.00. Mr. Netter stated it is still the same amount.

Commissioner Scott Downing asked what is it we are trying to accomplish. Vice-Chairman stated the Board of Equalization is trying to complete the hearings in one day instead of having them come back two days.

Vice-Chairman OD asked the board, what is the difference in giving a bi-lingual employee \$50.00 and giving the Board of Equalization members \$100.00 if they have hearings all day; except you just want that person to get it? Commissioner Scott Downing asked what are we trying to accomplish. Mr. Netter stated he was not trying to solve anything because he had already cast his vote.

Mr. Netter stated there is a rule among the Commissioners when Malcom Alligood was Chairman that you have to wait six months to before it can be brought back to the table for six months because he use to come back and rescind motions that he didn't like. He asked the Commissioners to look it up for themselves.

The Commissioners had a lengthy discussion; Vice-Chairman OD Netter stated he was not going to rescind his motion to give the Board of Equalization \$100.00 if they hear appeals all day.

Vice-Chairman OD Netter made a motion to revote on the Commission rules at the December meeting because of the two new Commissioners; Commissioner Bennie Calloway and Commissioner Daniel Cowan. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Letter to Volunteer Fire Department

This agenda item was discussed in the Manager's Report.

Bi-Lingual Employee

Chairman Philip Jay stated when he was out riding with a deputy on a Saturday night, he seen the need to have an employee that is bi-lingual because of the growing population of Hispanic. Mr. Jay is requesting a \$50.00 pay increase per pay period for those employees.

County Manager Frank Feild stated they recognize that Ben Hill County has a growing Hispanic population. In response, he is preparing a recommendation change to the Personnel Policy Manual that would authorize Spanish Language Proficiency Incentive Pay for qualified employees serving in emergency services positions.

New Business:

Sheriff Deputies

Sheriff McLemore asked the Commissioners to reinstate the two deputy's position the he gave up last year to help save money during the difficult financial time.

Chairman Jay asked the Sheriff if they voted to reinstate the two deputies', he needed to help the County out by signing up for the LESO program so the County could purchase equipment that was needed. The Sheriff stated he was waiting on EMA Director Jason Miller to generate a list.

Vice-Chairman OD Netter made a motion for Jason Miller to generate a list of equipment through the LESO program. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Vice-Chairman OD Netter made a motion to approve hiring two (2) deputies for the Sheriff Department for 2013. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Letter to Attorney General

This agenda item was discussed in Executive Session.

ACCG District 11 Meeting

Vice-Chairman OD Netter reported Chairman Philip Jay ask him to contact ACCG about Ben Hill County hosting the 11th District Meeting. He asked the Commissioners their thoughts concerning the meeting being held in Ben Hill. The Commissioners liked the idea. Vice-Chairman OD Netter stated Ben Hill County will be hosting the ACCG 11th District Meeting on October 29, 2013.

Executive Session

Vice-Chairman OD Netter made a motion to enter into Executive Session for Pending Litigation. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Vice-Chairman OD Netter made a motion to end Executive Session for Pending Litigation. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Commissioner Scott Downing made a motion to postpone mailing the prepared letter to the Attorney General. Commissioner Daniel Cowan seconded the motion; which passed with Commissioner Scott Downing, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Vice-Chairman OD Netter all voting for the motion.

Vice-Chairman OD Netter made a motion to accept the minutes from Executive Session. Commissioner Scott Downing seconded the motion; which passed with Vice-Chairman OD Netter, Commissioner Scott Downing, Commissioner Daniel Cowan, and Commissioner Bennie Calloway all voting for the motion.

Agenda Changes and/or add ons: NONE

Legislative Report: NONE

Commissioner's Remarks: NONE

Meeting adjourned

_____ Philip C. Jay III, Chairman

_____ Donna R. Prather, County Clerk