



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia
Minutes

January 5, 2010
Regular Meeting
7:00 p.m.

1) Call to Order and Opening Prayer

Chairman David Shivers opened the regular meeting with a prayer at 7:00 p.m. Vice-Chairman Barry Waters, Commissioners James Davenport, Radar Fair, Sr., and Walt Killingsworth were in attendance as well as County Attorney Bill Mills, County Administrator Pam Ward, Sheriff Roger Shivers, Code Enforcer Mitch Ellis, Public Works Director Bobby Dupree, EMS Director Ron Brown, and County Clerk Adria Williams.

2) Agenda Approval

The following change was made to the agenda:

Move Comments from the Public to item 4) Comments from the Public; change Presentations before the Board to item 5), Minutes to item 6), Correspondence Requiring Action to item 7), Unfinished Business to item 8), and New Business to item 9).

Vice-Chairman Waters stated that there are minutes from two meetings missing- Dec. 4, 2009 from the employee grievance hearing and minutes from a meeting, that he can't find a record of, with a decision made by somebody, as far as the Administrator requirements and advertising, which was not to take place until this meeting; can be added to 9) New Business. The Chairman stated that it would have to be postponed because the minutes were not present. Vice-Chairman stated that the Board was in violation of 50-14-1(e) paragraph 2 of the Open Meetings Act; the minutes should be here for approval.

Commissioner Killingsworth motioned to approve the agenda with changes. Commissioner Fair seconded the motion; motion carried.

3) Annual Appointments

a. Commission Chairman

Commissioner Davenport motioned to reappoint Commissioner David Shivers as Chairman. Commissioner Fair seconded the motion. Vice-Chairman Waters voted nay. Motion carried.

b. Commission Vice Chairman

Commissioner Fair motioned to reappoint Commissioner Barry Waters as Vice-Chairman. Commissioner Davenport seconded the motion. Chairman Shivers voted nay. Motion carried.

c. County Clerk

Commissioner Davenport motioned to reappoint Adria Williams as County Clerk. Commissioner Fair seconded the motion. Vice-Chairman Waters abstained. Motion carried.

d. County Attorney

Vice-Chairman Waters motioned to reappoint Attorney Mills as the County Attorney. Commissioner Davenport seconded the motion; motion carried.

e. County Auditor

Vice-Chairman Waters motioned to reappoint Geer & Associates, P.C. as the County Auditor. Commissioner Fair seconded the motion; motion carried.

f. County Depository

Vice-Chairman Waters motioned to continue with Regions Bank as the County Depository. Commissioner Fair seconded the motion; motion carried.

1. Designation of Signors: Administrator, Chairman, Vice Chairman, plus one additional

Vice-Chairman Waters motioned to re-approve the existing signors. Commissioner Davenport seconded the motion; motion carried.

4) Comments from the Public

Ken Penuel- Expressed his regrets towards Pam Ward leaving the County Administrator position. He provided the Board with a list of initiatives in the County at this time. He asked the Board who is going to take the leadership role desperately needed on the County Commission.

Sheriff Shivers- Told County Administrator Ward that it has been a pleasure working with her. He stated that if the Board keeps changing County Administrators and Clerks, there will never be any continuity of what needs to be done for the County.

Carl Childs- Expressed his pleasure working with Pam on various Boards. He is concerned with what the Board will do to protect her successor from the pressures, harassment and situation which is causing her to leave the County.

Kenneth Sumpter- Stated that it is unfortunate that the County Administrator is leaving and commented that there is a strong need for unity in order for Clay County to grow.

Jean Turn- Stated that Pam's reputation is not only known in Clay County but in surrounding areas as well. She hopes that the Board hires someone as good as Pam, and if so; let them do their job.



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Bill Gleaton- Agrees that Pam has done a wonderful job. He suggested that the Board stands behind the new County Administrator.

Joyce Sanders- Stated that she will miss Pam as well as the County.

The Chairman's response to the public comment is that he shares the concerns brought up tonight and he did all he could do to keep Pam here. He will do all he can to pull the Board together and work as one. The County has started taking applications and will review them as soon as they can. He appreciates everyone's concern.

5) Presentations before the Board

a. Bill Gleaton – Tax Assessment Issues

Mr. Gleaton had two issues to discuss. He is upset with the Board's failure to follow up and appoint an attorney or someone with legal understanding to the Board of Equalization that was not a conflict of interest by representing the appraisal versus the equalization. They failed to do anything about the recommendation sent to the Board of Assessors for 2008. He requests that the Board provide a legal advisor to the Board of Equalization because they are without any guidance or control.

Attorney Mills stated that he gave an opinion to his client, the Board of Assessors that what the Board of Equalization presented back to the taxpayer was not an adequate order as required under the code nor defined clearly enough to give the direction or responsibility to do any reassessments to the property. He stated that Mr. Gleaton's issue needs to be addressed to the Grand Jury and through the Court because the Board of Equalization members are appointed by the Grand Jury.

Mr. Gleaton's second issue is with his road being messed up by the last rain. He thinks this wouldn't have happened if the County had fixed the road and dug the ditches as planned.

The Chairman stated that since the time that the County has come out and taken a look at the road, the property owner has objections. County is caught in the middle of the situation.

Bill Kenyon, Board of Equalization Member- Addressed the tax issue Mr. Gleaton has. He stated that there are certain criteria to be met for someone to receive a decision in their favor. He will be glad to go over the criteria needed with anyone that asks.

6) Minutes

a. Dec. 1, 2009

Vice-Chairman Waters motioned to the Dec.1, 2009 minutes. Commissioner Killingsworth seconded the motion; motion carried.

7) Correspondence Requiring Action

a. None

8) Unfinished Business

a. Attorney comments on personnel issue

Attorney Mills informed the Board that the decision on the personnel issue will have to be made by them.

Commissioner Fair motioned to amend the agenda to bring the decision to a vote and close the matter.

Vice-Chairman Waters seconded the motion; motion carried.

Commissioner Fair motioned to move forward and not award the position back to the employee.

Commissioner Davenport seconded the motion. Vice-Chairman Waters voted nay. Motion carried.

9) New Business

a. Appointment of two members to Planning & Zoning Board

Volunteers: Anne Lynn

Vice-Chairman Waters motioned to appoint Anne Lynn to the Planning & Zoning Board. Commissioner

Davenport seconded the motion; motion carried.

b. Appointment of member to Enrichment Services Program

Volunteers: Kenneth Sumpter

Vice-Chairman Waters motioned to appoint Kenneth Sumpter to the Enrichment Services Program.

Commissioner Davenport seconded the motion; motion carried.

c. Receipt of two laptop computers for EMS through a grant from State Office of Emergency Medical Services and the Georgia Association of EMS – Acceptance agreement required

Vice-Chairman Waters motioned to accept. Commissioner Fair seconded the motion; motion carried.

d. Set Qualifying Fees for Elected Officials for 2010 Elections

Vice-Chairman Waters motioned to approve the qualifying fees of \$71.60 for the Board of Commissioners and \$27.00 for the Board of Education. Commissioner Davenport seconded the motion; motion carried.

e. Approval of Supplemental Agreement #1 from Dept of Transportation for Transit

Vice-Chairman Waters motioned to approve the Supplemental Agreement. Commissioner Fair seconded the motion; motion carried.



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10) **Comments from Department Heads & Constitutional Officers**
None

11) **Administrator Comments, Reports & Recommendations**
County Administrator Pam Ward announced that her last full day will be Friday, January 8th. She expressed the pleasure and privilege she has had working for Clay County and offered her willingness to help through the transition period.

12) **Comments from the Board**
Chairman Shivers stated that the County has started advertising for the County Administrator position. Advertising had been postponed at the Dec. 1, 2009 meeting in efforts of getting Mrs. Ward to reconsider her resignation. Upon receiving notice that she had accepted another job, advertising began. The Board will meet to review applications for the County Administrator position on Jan. 18, 2009 at 6:00 p.m. An ad will run in the local organ.

Vice-Chairman Waters gave well wishes to Mrs. Ward on her new job. He appreciated the comments from the public. He stated that there were two concerns bought up by the public the Board should be concerned with; one being the accusation of harassment and the other was implied that the Board ignores laws. Employees who have been harassed have the option to come before the Board or register complaints with the state to rectify the problem. The implications to ignore laws just to get business can't be done. Concerns that he has bought before the Board have been because laws have not been followed and he will continue to do so. He will continue to make sure his oath is adhered to and if it means correcting the Board and bringing the concerns before them, he will continue to do so and hope the Board will support him in doing so. He also announced that he was assaulted by Ben Ward after the Dec. 1, 2009 meeting. He filed a complaint with the Chief of Police the next day; it was referred to the GBI, and to the District Attorney's office as of yesterday. He stated that any assault against a public official is discouraged.

13) **Invoices to Be Approved**
Vice-Chairman Waters motioned to approve the invoices. Commissioner Fair seconded the motion; motion carried. County Administrator Ward informed the Board that a \$20,000.00 invoice for legal fees as a result of the Tax Assessors and the appeals to the Tax Assessors Board was included. Chairman Shivers stated that in the future he would like for the Board to review the invoices before approving and signing them.

14) **Consent Agenda**

15) **Executive Session (If Needed)**

16) **Adjourn**
There being no further business, the regular meeting adjourned at 7:55 p.m.

David Shivers
David Shivers, Chairman

Date 2-2-10

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE JANUARY 5, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams
Adria Williams, County Clerk

Date 2-2-2010