



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia
Amended Minutes

August 17, 2010
Regular Meeting
7:00 p.m.

- 1) **Call to Order and Opening Prayer**
Chairman Shivers called the regular meeting to order at 7:00 p.m. with a prayer. In attendance were Chairman David Shivers, Vice Chairman Barry Waters, and Commissioners James Davenport, Walt Killingsworth, and Radar Fair, Sr. as well as County Administrator Spencer Mueller, County Attorney Bill Mills, Code Enforcer Mitch Ellis, EMS Director Ron Brown, Accounts Payable Clerk Lori McMullen, and County Clerk Adria Williams.

- 2) **Agenda Approval**
Three items were added to the agenda:
 - 8h. Discussion on the Signature Page
 - 8i. Discussion on the County Clerk's Yearly Evaluation
 - 8j. Discussion on Board Request for Updated Zoning Map from RVRC

Motion made by Commissioner Fair to approve the agenda with changes. Motion seconded by Vice Chairman Waters. All in favor; motion carried.

- 3) **Annual Appointments - None**

- 4) **Presentations before the Board**
 - a. Allen Whigham, Agent- Liberty National Life Insurance Company
Agent Whigham presented Clay County an opportunity to offer the employees a \$3000 life insurance policy at no cost for one year. Mr. Whigham would like for Liberty National to be a part of the County's employee benefit package. Motion made by Vice Chairman Waters to postpone until the next meeting (to have policy completed on himself for Board to review and make a decision at next meeting.) Motion seconded by Commissioner Fair. All in favor; motion carried.
 - b. Belva Dorsey, Enrichment Services CEO- Overview of services provided by Enrichment Services
Ms. Dorsey provided the Board with an update of the services Enrichment Services provides to the county. She informed the Board of the Nurse Aid Training Program, currently available in Muscogee County only.
 - c. Mitch Ellis- Gym Renovations
Mr. Ellis informed the Board of the renovations needed to the gym due to termite and water damage to the roof and floors. The gym has been closed because the damage is worsening. It will cost about \$3700 to fix the termite problems but it can't be done until the roof is repaired and French drains are put in to dry up the water. The Board discussed getting estimates and covering the costs of the repairs with SPLOST funds and applying for grants.

- 5) **Minutes**
 - a. August 3, 2010 Regular Meeting
Motion made by Commissioner Fair to approve the August 3, 2010 Regular Meeting minutes. Motion seconded by Commissioner Davenport. Vice Chairman Waters noted that the following correction was needed:
Under line item 8b., change, "Vice Chairman Waters stated that the Board hasn't approved it and asked the Chairman to recuse himself from the discussion due to his being a member of EDC." to, "Vice Chairman Waters stated that the Board hasn't approved it and asked the Chairman to recuse himself from the discussion due to his being a member of EDC."
Vice Chairman Waters asked Commissioner Fair if he accepted the amendment to his motion; Commissioner Fair accepted. All in favor; motion carried.
 - b. August 5, 2010 Special Called Meeting
Motion made by Commissioner Davenport to approve the August 5, 2010 Special Called Meeting minutes. Motion seconded by Commissioner Fair. All in favor; motion carried.



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- c. August 9, 2010 Work Session
Motion made by Commissioner Davenport to approve the August 9, 2010 Work Session meeting. Motion seconded by Commissioner Killingsworth. All in favor; motion carried.

6) Correspondence Requiring Action
None

7) Unfinished Business

- a. SW Regional Development Authority Bylaws
Chairman Shivers asked for comments from the Board. Vice Chairman Waters mentioned that it was Commissioner Davenport's request; at the last meeting he asked if the Commission Board had to replace the ex-officio. It states in the SW Regional Development Authority Bylaws that the Authority may appoint three ex-officio, non-voting members from each represented county at the first quarterly board meeting each year.
- b. RVRC FY11 Planning and Zoning Technical Assistance Fees
Vice Chairman Waters stated that RVRC Executive Director Patti Cullen will put together a proposal for Wayne Anthony to review. The Board will be able to select the services they want and see how much it will cost. It should be available by the next meeting. Commissioner Fair stated that he understood that RVRC had dropped the fee from \$4500 to \$3500. Chairman Shivers stated that RVRC didn't drop the fees; they offered not to provide the service of coming to the Board of Commissioners' meetings. The deduction was due to a reduction in services. Vice Chairman Waters stated that there's a possibility the fees may be dropped even lower based on his discussions with Chairman Anthony. Motion made by Commissioner Fair to table until the next meeting. Motion seconded by Vice Chairman Waters. All in favor; motion carried.
- c. Discussion on Bank Charges- Bank Proposals with Interest Rates on Checking Accounts
Attorney Mills asked if the quotes were based on government backed security or CD rates. The Administrator stated CD rates. Attorney Mills stated that any government funds from the County have to be invested in government backed securities. They can't be like personal CDs. The interest rate shown in the chart may not be what the banks can actually offer on government backed security. Government backed security has dropped. The question may need to be polled back to the banks. Chairman Shivers stated that if that's what suits the Board, then that's what they will do.
- d. Discussion on Regulations for Pre-Owned Manufactured Homes
Motion made by Commissioner Davenport to postpone until the next meeting to give the Commissioners time to review it to see they want to add or remove anything from it. Motion seconded by Vice Chairman Waters. All in favor; motion carried. Chairman Shivers informed the Board of the example from Attorney Mills that the Board could review as well. Attorney Mills recommended that the Board not do away with the existing ordinance, simply delete the part that will become unenforceable based upon the new law that will become effective September 1st and implement the Board's decisions as an amendment to the existing ordinance.
- e. Water Contract Discussion- follow up from 07/20/10 Regular Meeting
Commissioner Fair stated that he asked that this item be placed on the agenda again because he wanted to find out how many of the water customers had asked to be taken off the water system. He asked if the number was increasing. The County Clerk stated that there were two customers she knew definitely wanted to be taken off because they told her so. Since the Board's decision to make the accounts of the non-water use customers inactive, some of the customers have stated that they would like to continue paying the \$13.00 minimum amount. Commissioner Fair recommended to the Board to continue billing the individuals that don't request to be taken off the water system. Chairman Shivers stated he didn't know if we could legally do that. The Clerk supplied the Board with copies of the Water User's Agreement (old version) and the Water Subscription Contract (new version). Attorney Mills stated that each individual



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contract would have to be reviewed. Under the contract the County is not legally able to continue billing the customers who've fulfilled their 2-year contract obligation and are not hooked to the water meter. Chairman Shivers felt that we should send letters to customers who have fulfilled the contract obligations. Attorney Mills stated that if the customer wants to extend the contract they need to sign a new contract and continue the minimum service fee in order to not incur new service fees that will be charged. Vice Chairman Waters asked who drew up the new contract. One is the original contract which binds the customers to the two year obligation and the current contract doesn't include that stipulation. Vice Chairman Waters asked the County Clerk for the fee amount to have water restored for a delinquent account and an account that requests shut-off. She replied that it is \$35.00 for a delinquent account and nothing is being charged for voluntary shut-off; there should be a fee for it as well as other fees that need addressing. Vice Chairman Waters asked the Clerk to put together a blur for the Board for the next meeting. Chairman Shivers stated that the Board could review the two contracts as well and come up with some ideas along with Attorney Mills.

- f. Discussion on Nuisance Abatement Ordinance- Decision to refer to County Attorney
Motion made by Vice Chairman Waters to refer to the County Attorney for final revisions. Motion seconded by Commissioner Fair. All in favor; motion carried.
- g. Ratify Vote Establishing Internet, E-Mail and Computer Usage Policy from 08/09/10 Meeting
Motion made by Vice Chairman Waters to ratify the 08/09/10 vote establishing the Internet, E-Mail and Computer Usage Policy. Motion seconded by Commissioner Fair. All in favor; motion carried. Vice Chairman Waters asked if they need to vote on the completed policy. Attorney Mills suggested that they do so. Motion made by Vice Chairman Waters to approve the Internet, E-Mail and Computer Usage Policy of Clay County adding the signature page. Motion seconded by Commissioner Killingsworth. All in favor; motion carried.
- h. Setting Fees for Body Art Ordinance
Motion made by Vice Chairman Waters to refer the proposed Body Art establishment fees to the Attorney for review and suggested additions. Motion seconded by Commissioner Davenport. All in favor; motion carried.
Motion made by Vice Chairman Waters to authorize the Attorney to add a mention of a misdemeanor penalty under the penalties section of the ordinance. Motion seconded by Commissioner Davenport. Commissioner Fair voted nay. Motion carried.

8) New Business

- a. Resolution Approval
The County Administrator and Accounts Payable Clerk explained that we are over expended on all of the following except for contingencies; which is where the funds are being pulled from.
 - 1. 10-061 Amend FY10 General Fund
Motion made by Vice Chairman Waters to approve Resolution 10-061 amending the accounts listed and to attach a copy of the resolution to the minutes. Motion seconded by Commissioner Fair. All in favor; motion carried.
 - 2. 10-062 Amend FY10 E-911 Phase II
Motion made by Vice Chairman Waters to approve Resolution 10-062 amending the E-911 Phase II fund. Motion seconded by Commissioner Fair. Vice Chairman Waters amended his motion to include a copy of the resolution being attached to the minutes. All in favor; motion carried.
 - 3. 10-063 Amend FY10 SPLOST
Motion made by Commissioner Fair to approve Resolution 10-063 Amend FY10 SPLOST. Motion seconded by Commissioner Killingsworth. Vice Chairman Waters asked if Commissioner Fair if would accept an amendment to his motion to include attaching a copy of the resolution to the minutes. Commissioner Fair accepted. All in favor; motion carried.
 - 4. 10-064 Amend FY10 Water Fund
 - 5. 10-065 Amend FY10 Gen Fund Water Loan



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- Motion made by Vice Chairman Waters to postpone Resolution 10-064 and 10-065 until revised as per the advice of the Attorney including the interest rates and any associated documentation with the USDA loan; postpone until final figures are received. Motion seconded by Commissioner Fair. All in favor; motion carried.
- b. Vice-Chairman Waters: Discussion on County Clerk Training pre-approval
Motion made by Vice Chairman Waters to pre-approve the County Clerk's training schedule and for actions to be taken when approval from the Board is not possible between meetings. Motion seconded by Commissioner Davenport. All in favor; motion carried.
Motion made by Vice Chairman Waters to require the County Clerk to update the Board on training progress. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- c. Vice-Chairman Waters: Discussion on moving fees from Ordinance, Chapter 111 ALCOHOLIC BEVERAGES, to county fee schedule; BOC approval to revise ordinance
Motion made by Vice Chairman Waters to move the fees from the Alcoholic Beverage Ordinance, modify to reflect a referral to the County fee schedule, and add these to the fee schedule. Motion made by Vice Chairman Waters to make changes accordingly to the ordinance. Motions seconded by Commissioner Fair. All in favor; motion carried. Motion made by Vice Chairman Waters to have the approval of the Board to draw up the resolution to submit to the County Attorney accurately moving the fees over. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- d. Approval of Computer Purchase for Utility Billing
The County Administrator explained that the Utility Billing computer is having problems and might crash. Two quotes were submitted; one for a Dell and one from PC Gear. Chairman Shivers asked if money was in the budget for it. The Administrator said yes.
Motion made by Commissioner Fair to approve the PC Gear quote. Motion seconded for discussion by Vice Chairman Waters. Vice Chairman Waters asked if it was just the one computer being replaced. The County Administrator replied yes. The Vice Chairman asked if there were any plans to replace any other office computers. County Administrator Mueller stated not at this time. All in favor; motion carried.
- e. Adoption of Resolution 10-066 Calling for SPLOST Referendum
1. Approval of Intergovernmental Agreement Resolution
Attorney Mills advised approving the Intergovernmental Agreement Resolution first. Motion made by Vice Chairman Waters to authorize the Chairman to sign the Intergovernmental Agreement Resolution and attaching a copy of the resolution to the minutes. Motion seconded by Commissioner Fair. All in favor; motion carried. Motion made by Vice Chairman Waters to approve Resolution 10-066 Calling for SPLOST Referendum. Motion seconded by Commissioner Fair. All in favor; motion carried.
- f. Discussion on Grass-cutting State Roads in Clay County
In response to public safety and tourism concerns, motion made by Vice Chairman Waters to authorize the County Administrator to investigate and return to the Board estimates on the purchase or lease of at least two tractors/mowers that will enable Clay County to trim the state roads and to authorize the Chairman to call DOT and kick some butt. Motion seconded by Commissioner Davenport. All in favor; motion carried.
- g. Discussion on Fuel Charges at Georgia Giant
Chairman Shivers stated that he noticed in the bills that were approved for last week that a County employee made a mistake and used his personal credit card to pay for fuel and was being reimbursed by the County. He thinks that the County should not start that policy of reimbursing. Commissioner Fair asked how it happened. Ellis McCoy, a County employee, asked if he could explain how it happened. He stated that it was a simple mistake; he pulled out his personal card instead of the County card. Store personnel caught the mistake after the machine had processed the transaction; at this point it couldn't be cancelled. Vice Chairman Waters asked if the check had been signed. Chairman Shivers stated that he thought he had signed it but asked the County office to hold it until he brought it to the Board. Vice Chairman Waters asked if there was any information that the employee was attempting to defraud or cause a loss to the County. Chairman Shivers stated that he was simply bringing it to the Board for their opinion; he doesn't think it would be a good policy for them to continue. Motion made by Vice Chairman



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Waters to advise the employee to please try and be careful in the future and to move on. Discussion continued; the motion died from lack of a second. After further discussion, a motion was made by Commissioner Davenport to move on. Motion seconded by Vice Chairman Waters. All in favor; motion carried.

h. Discussion on Signature Page

The Commission Board discussed the signature page being attached to all documents requiring signatures and the vote of each Commissioner. Attorney Mills advised that they could add a signature page as to how they each voted on the resolution. The wording of the resolution allows it to be signed by the Chairman and attested by the Clerk and it then becomes part of the official minutes record. They discussed the type of votes that should be included on the signature page. After further discussion, they moved on to item 8i.

i. Discussion on County Clerk's Yearly Evaluation

Vice Chairman Waters stated that the clerk is supposed to have a yearly evaluation. It's been one year two months so he asked the Clerk to provide the Board with copies of her evaluation form.

Motion made by Vice Chairman Waters for the Board to review and return at the next meeting an evaluation of the County Clerk. Motion seconded by Commissioner Fair. All in favor; motion carried.

j. Discussion on Board Request on Updated Zoning Map from RVRC

Vice Chairman Waters stated that we haven't received an updated zoning map from RVRC but should be able to through June 30th due to the County still being under contract at that time. Chairman Shivers didn't think it would be proper to request a map from them since we haven't contracted their services past June 30th. Vice Chairman Waters want to ask and see if they will provide the map.

Motion made by Vice Chairman Waters for the Board to request an updated zoning map from RVRC. Motion seconded by Commissioner Davenport. All in favor; motion carried.

9) **Comments from the Public**

Albert Timpson- Discussed fees of the initial start of the County Water System and explaining the terms of the contract to the customers.

Don Mathis- Asked about the map from the 08/12/10 Planning Commission meeting. He wanted to know if it was a comprehensive planning map or a zoning map. The clerk stated that the map went along with the comprehensive plan.

10) **Comments from Department Heads & Constitutional Officers**

None

11) **Administrator Comments, Reports & Recommendations**

County Administrator Mueller notified the Board of the following:

1. Imagistics copier contract- The contract will be up in March 2011. Oce' has issued a proposal to the office to upgrade to a color copier. Motion made by Vice Chairman Waters for the County Administrator to put together a proposal to present before the Board at the next meeting. Commissioner Fair stated that the Administrator had the floor according to the discussion being under Administrator Comments, Reports, and Recommendations. Motion died from lack of a second. The Administrator moved on to his next comment.

2. Sheriff's Vehicle Purchase- The Sheriff is proposing to purchase an F-150 truck. The funds will come from the Sheriff's Fund and his FY10 Allocated Fund.

Clay County Sheriff's Tax Sale - Informed Board about mobile homes being sold for taxes but don't receive any bids; they become county property. Attorney Mills stated that the homes don't have to become the property of the county. The Tax Commissioner decides. If it's declared no sale, the county is not responsible for the taxes. The problem at hand is the owner of the mobile home is renting the property and the property owner wants the home moved off the property. Attorney Mills advised developing an ordinance that put the responsibility on the property owner; this would fall under the nuisance theory. Motion made by Vice Chairman Waters to authorize the County Attorney to speak with the Tax Commissioner and come up with a resolution. Motion seconded by Commissioner Davenport. All in favor; motion carried.



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- 3. RVRC support letter request for the Board to participate and support the activities of sustainable communities regional planning program- Motion made by Commissioner Fair to approve the support letter. Motion died from lack of a second.
- 4. Bad Check Policy- Administrator Mueller suggested the Board establish a bad check policy due to the office having possibly three outstanding checks on one writer; he has followed the procedures under the advisement of the Magistrate Court. The writer hasn't responded so the Administrator asked the Board how they wanted to handle the situation. The Board felt that he is already handling the situation and its fine as long as he follows the legal procedure.
- 5. Drag Nasty Creek Bridge is open for traffic.
- 6. Pop's Deli bait house offer- He suggested that the Board approve David Sullivan's \$5000 offer for the bait house and contents of it. Motion made by Commissioner Fair to sell the bait house. Motion seconded by Vice Chairman Waters. All in favor; motion carried.

12) Comments from the Board

Chairman Shivers informed the Board of the T-SPLOST notification, House Bill 277. Vice Chairman stated that he has supplied the Board with information on the T-SPLOST and discussed how the County can draw funds from it. Vice Chairman Waters commended the Administrator for the Social Services sign replacement. He asked the status on the magistrate's door. The Administrator stated that the information has been give to the Building Superintendent to handle. He supplied the Board with information from the C-Heart meeting. The subject was Medical Reserve Corps; they are looking for volunteers. He has more copies if anyone would like some to pass out. Commissioner Fair had two road complaints; Thornton Road- Thurston Rivers has trees blocking the road when pulling out from his house, and Creddles Mill Road- Terry Thornton need bushes cut back off the highway so oncoming traffic can be seen. The Administrator passed the Thornton Road complaint over to Bobby; he will follow up on it. Commissioner Davenport followed up on emergency kits being on the tractor mowers. The Administrator stated that according to the Road Superintendent emergency kits are available in the trucks that follow the mowers and motor grader.

13) Invoices to Be Approved

~~Motion made by Commissioner Fair to pay the bills. Motion seconded by Commissioner Davenport. All in favor; motion carried.~~

14) Consent Agenda

15) Executive Session (If Needed)

16) Adjourn

There being no further business the regular meeting adjourned at 9:35 p.m.

David Shivers
David Shivers, Chairman

9/21/2010
Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE AUGUST 17, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams
Adria Williams, County Clerk

9/21/2010
Date

RESOLUTION 10-061

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission; hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the General Fund Budget as follows:

	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
Comm. - Edu & Travel	\$ 4,000.00	\$ 5,000.00
Bldg - Water, Courthouse	\$ 300.00	\$ 450.00
Admin - Contingency	\$ 169,755.00	\$ 130,206.00
Adult Probation - Salaries	\$ 12,000.00	\$ 13,000.00
Adult Probation - FICA	\$ 750.00	\$ 806.00
Adult Probation - Medi	\$ 139.00	\$ 189.00
Fire Dept - Uniforms	\$ 3,000.00	\$ 3,074.00
Fire Dept - Tech Svs	\$ 1,500.00	\$ 2,000.00
EMS - Overtime	\$ 56,650.00	\$ 60,650.00
EMS - Profess Svs - Bio	\$ 250.00	\$ 400.00
EMS - Substance Abuse	\$ 200.00	\$ 400.00
Coroner - Death Certificates	\$ 3,000.00	\$ 5,000.00
Coroner - Travel	\$ 370.00	\$ 500.00
Roads - Repairs & Maint	\$ 25,000.00	\$ 30,000.00
DFCS - Electric	\$ 5,000.00	\$ 6,500.00
Transit - Pay to Other Agency	\$ 101,368.00	\$ 125,067.00
Co Ext - Cell Phone	\$ 460.00	\$ 500.00
TOTAL EXPENSES	\$ 383,742.00	\$ 383,742.00

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 17th day of August, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: David Shivers Yea Nay Abstain No Vote
David Shivers, Chairman

BY: Barry Waters Yea Nay Abstain No Vote
Barry Waters, Vice Chairman

BY: Radar Fair Yea Nay Abstain No Vote
Radar Fair

BY: James Davenport Yea Nay Abstain No Vote
James Davenport

BY: Walt Killingsworth Yea Nay Abstain No Vote
Walt Killingsworth

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on August 17, 2010, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

Adria Williams
Adria Williams, County Clerk

RESOLUTION 10-062

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2010 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the E-911 Phase II Fund as follows:

	<u>Original</u>	<u>Amended</u>
REVENUES, by Function		
Phase II – Grant Revenue	\$ 0.00	\$ 35,000.00
TOTAL REVENUES	<u>\$ 0.00</u>	<u>\$ 35,000.00</u>
EXPENSES, by Function		
Planning & Technical	\$ 0.00	\$ 15,000.00
Equipment Expense	\$ 0.00	\$ 20,000.00
TOTAL EXPENSES	<u>\$ 0.00</u>	<u>\$ 35,000.00</u>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 17th day of August, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: David Shivers
David Shivers, Chairman

Yea Nay Abstain No Vote

By: Barry Waters
Barry Waters, Vice Chairman

Yea Nay Abstain No Vote

BY: Radar Fair
Radar Fair

Yea Nay Abstain No Vote

BY: James Davenport
James Davenport

Yea Nay Abstain No Vote

BY: Walt Killingsworth
Walt Killingsworth

Yea Nay Abstain No Vote

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on August 17, 2010, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

Adria Williams
Adria Williams, County Clerk

RESOLUTION 10-063

A RESOLUTION OF THE COUNTY OF CLAY, STATE OF GEORGIA, AMENDING THE FISCAL YEAR 2011 BUDGET; AND, ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners as follows:

1. That the Clay County Commission, hereby amends the budget for the Fiscal Year ending September 30, 2010, to amend the SPLOST Fund as follows:

	<u>Original</u>	<u>Amended</u>
EXPENSES, by Function		
Post Closure – Landfill	\$ 25,000.00	\$ 19,000.00
Unidentified Road Projects	\$ 38,796.00	\$ 30,796.00
Cap Outlay - Vehicles	\$ 0.00	\$ 14,000.00
TOTAL EXPENSES	<u>\$ 63,796.00</u>	<u>\$ 63,796.00</u>

2. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED after the first and only reading this 17th day of August, 2010.

COUNTY OF CLAY, STATE OF GEORGIA

BY: David Shivers Yea Nay Abstain No Vote
David Shivers, Chairman

BY: Barry Waters Yea Nay Abstain No Vote
Barry Waters, Vice Chairman

BY: Radar Fair Yea Nay Abstain No Vote
Radar Fair

BY: James Davenport
James Davenport

Yea Nay Abstain No Vote

BY: Walt Killingsworth
Walt Killingsworth

Yea Nay Abstain No Vote

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on August 17, 2010, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.

Adria Williams
Adria Williams, County Clerk

RESOLUTION

RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAY COUNTY, GEORGIA APPROVING AND AUTHORIZING EXECUTION, BY THE CHAIRMAN OF THE CLAY COUNTY BOARD OF COMMISSIONERS, OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY AND CERTAIN MUNICIPALITIES OF CLAY COUNTY CONCERNING A COUNTY ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX ENACTED PURSUANT TO O.C.G.A. § 48-8-110 ET SEQ.; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 48-8-110 *et seq.* authorizes the imposition of a one percent county special purpose local option sales and use tax (SPLOST) for the purposes inter alia of financing capital outlay projects to be owned or operated by the County and one or more municipalities; and

WHEREAS, CLAY COUNTY, Georgia, the Municipality of FORT GAINES, Georgia, the Municipality of BLUFFTON, Georgia desire to utilize the proceeds of a SPLOST for the one or more of the purposes authorized under O.C.G.A. § 48-8-111 (a)(1).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of CLAY County, Georgia as follows:

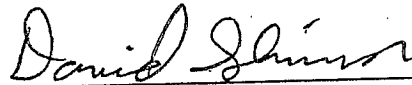
SECTION 1. The attached intergovernmental agreement addressing the disbursement of SPLOST proceeds among CLAY County, the Municipality of FORT GAINES, the Municipality of BLUFFTON, Georgia and other related matters is hereby approved.

SECTION 2. The Chairman of the CLAY County Board of Commissioners is authorized to execute the intergovernmental agreement on behalf of the Board of Commissioners of CLAY County, Georgia and affix the seal of the County thereto.

SECTION 3. This resolution is effective and implemented upon the counterparts of said intergovernmental agreement have adopted their respective resolutions authorizing the adoption of the said agreement.

SECTION 4. All resolutions, or parts of resolutions, in conflict herewith are repealed. This the 17 day of August, 2010.

Board of Commissioners
CLAY COUNTY, GEORGIA



David Shivers, Chairman

ATTEST:


COUNTY CLERK

CLAYco\splost2010.resolutionclayco

RESOLUTION

TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION AND TO CALL AN ELECTION TO IMPOSE OR EXTEND THE LEVY AND COLLECTION OF A SPECIAL PURPOSE ONE PERCENT (1%) LOCAL OPTION SALES AND USE TAX, IF SO AUTHORIZED, TO AUTHORIZE FILING FOR PRECLEARANCE OF THE REFERENDUM WITH THE UNITED STATES DEPARTMENT OF JUSTICE; AND FOR OTHER PURPOSES.

WHEREAS, there exists a need for funds for the purposes of (a) capital outlay projects, including construction of, improvements to, equipment for and alterations to the county buildings, road, street and bridge purposes, public safety projects, solid waste projects, sanitary water systems and recreational facilities in Clay County, Georgia, and (b) capital outlay projects for the City of Fort Gaines, including construction of, improvements to, equipment for, and alterations of water systems, waste water systems, roads and street projects, city buildings and (c) capital outlay projects for the City of Bluffton, including construction of, improvements to, equipment for, and alterations of city recreational facilities, sanitary water systems and streets and roads, hereinafter referred to as "Project" for the use of and the benefit of the citizens of the county; and

WHEREAS, legislation has been enacted in the State of Georgia whereby the governing authority of any county in this state may, subject to the requirement of referendum approval and the other requirements of ARTICLE 3 SPECIAL COUNTY ONE PERCENT SALES AND USE TAX, of the Official Code of Georgia Annotated (O.C.G.A. § 48-8-110 et seq.) impose within the county a special sales and use tax for a limited period of time, at the rate of one percent (1%), to finance such project: and

WHEREAS, the citizens of Clay County, Georgia have expressed their desire that such a Project be undertaken; and

WHEREAS, the projected cost of the Project is \$1,570,000.00 to be payable over SIX (6) annual payments from the beginning date of the project or as funds are available; and

WHEREAS, the governing authority has determined it to be in the best interest of the county to meet the financial needs of purposes of (a) capital outlay projects, including construction of, improvements to, equipment for and alterations to the county buildings, road, street and bridge purposes, public safety projects, solid waste projects, sanitary water systems and recreational facilities in Clay County, Georgia, and (b) capital outlay projects for the City of Fort Gaines, including construction of, improvements to, equipment for, and alterations of water systems, waste water systems, roads and street projects, city buildings and (c) capital outlay projects for the City of Bluffton, including construction of, improvements to, equipment for, and alterations of city recreational facilities, sanitary water systems and streets and roads from the revenues from said tax for six (6) years;

NOW THEREFORE, be it hereby resolved by the Board of Commissioners of Clay County, Georgia, and it is hereby resolved by the authority of same, as follows:

SECTION 1. There is hereby authorized to be called an election to be held in Clay County, Georgia, on the 2nd of November, 2010, for the purpose of submitting to the qualified voters of Clay County, Georgia, the question of whether or not there would be imposed or extended a special one percent (1%) sales and use tax be in Clay County, Georgia, for a period not to exceed six (6) years and for the raising of not more than \$1,570,000.00 for the purpose of paying all costs of said Project, same being the purposes of (a) capital outlay projects, including construction of, improvements to, equipment for and alterations to the county buildings, road, street and bridge purposes, public safety projects, solid waste projects, sanitary water systems and recreational facilities in Clay County, Georgia, and (b) capital outlay projects for the City of Fort Gaines, including construction of, improvements to, equipment for, and alterations of water systems, waste water systems, roads and street projects, city buildings and (c) capital outlay projects for the City of Bluffton, including construction of, improvements to, equipment for, and alterations of city recreational facilities, sanitary water systems and streets and roads, subject to the requirement of referendum approval and the other requirements of the Official Code of Georgia Annotated as amended, as set out, the election for the purpose of submitting the question on of the imposition of the tax to the voters of Clay County, Georgia.

SECTION 2. The Clerk of the Board of Commissioners of Clay County be and is hereby authorized and instructed to publish the notice of said election as required by law in the newspaper in which Sheriff's advertisements for Clay County are published for a period of not less than thirty days prior to said election and the notice of election shall be in substantially the form included herein.

SECTION 3. Prior to the date of the election authorized herein, there shall be appointed proper Election Managers and Clerks to supervise and hold said election and to make returns of said election to the Board and to the Judge of the Probate Court of Clay County, Acting as Election Superintendent of Clay County, who shall, in the presence of and together with the several Managers of the polls who shall bring up the returns, consolidate said returns and declare the result of said election in the manner required by law.


SECTION 4. The attorney for the Board is hereby authorized to prepare the necessary documents to file for preclearance of this bond referendum with the United States Department of Justice pursuant to the Voting Rights Act of 1965.

SECTION 5. Any and all resolutions in conflict with this resolution this day passed by and they are hereby repealed.

AND IT IS SO RESOLVED by the Board of Commissioners of Clay County, Georgia, at this regular meeting of said Board, this 17 day of August, 2010.

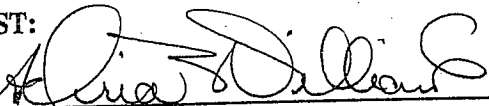
BOARD OF COMMISSIONERS

CLAY COUNTY, GEORGIA



DAVID SHIVERS, Chairman

ATTEST:



COUNTY CLERK

SEAL

claycosplos2010.resolution.electioncall