



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia

MINUTES

Special Called Meeting

September 29, 2010

5:30 p.m.

1) **Call to Order**

Chairman Shivers called the special called meeting to order at 5:30 p.m. Chairman David Shivers, Vice Chairman Barry Waters, and Commissioners Walt Killingsworth, James Davenport, and Radar Fair, Sr. were all in attendance as well as County Attorney Bill Mills and County Clerk Adria Williams. Motion made by Vice Chairman Waters to suspend the rules to enable general discussion. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Killingsworth, Davenport, and Fair were all in favor; motion carried.

2) **Agenda Approval**

Motion made by Vice Chairman Waters to approve the agenda as is. Commissioner Davenport wanted to add security clearance with Edmunds on county systems to the agenda. Vice Chairman Waters amended his motion to include the amendment on security levels on county computers. Motion seconded by Commissioner Fair. All in favor; motion carried.

3) **New Business**

a. **Sharpe Lawsuit**

Vice Chairman Waters stated that he was informed of the matter by Marion at City Hall. The City of Fort Gaines received a letter from Mrs. Sharpe's attorney in reference to the accident she was involved in and. The road is not a city road but a county road. He asked the attorney if he had received this. Attorney Mills stated he knew there was a lawsuit and that this type of notice that has to be served on a governmental entity before an actual lawsuit can be issued. If County receives one, inform him, because it needs to get to the insurance underwriters as soon as possible.

b. **Authorized Signatures for Regions Bank Signature Card**

Vice Chairman Waters notified the Board that upon signing checks he noticed that Commissioner Fair had signed some with his initials only. He asked the clerk to contact Regions to see if it was acceptable. Upon the clerk's doing so, Randi Milson notified her, as per the branch manager, that signatures must appear the way they are written on the bank signature card. Chairman Shivers stated that it was only done on the voided checks.

c. **Office Security on County Computers**

Commissioner Davenport questioned the Board, based on a conversation he had with the clerk a while back, if they should be concerned that the Administrator and the Accounts Payable Clerk have the same amount of security clearance. The Attorney asked if the system was designed to track the users. The clerk stated that it was and gave an example. Vice Chairman Waters asked if they wanted the Accounts Payable Clerk to have that much clearance. The clerk stated that the new Accounts Payable Clerk performs more actions than the previous one did. The attorney informed the Board that they could not make a decision based on the item not being on the public agenda.

d. **Discussion on Personnel Issue**

Motion made by Vice Chairman Waters to enter into executive session based on the stated rationale of suspicion (don't know if attempted) of fraud. Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Killingsworth, Fair and Davenport all in favor; motion carried.

Entered into executive session at 5:46 p.m.

Motion made by Commissioner Fair to come out of executive session at 6:20 p.m. Motion seconded by Vice Chairman Waters. Vice Chairman Waters and Commissioners Killingsworth, Fair and Davenport all in favor; motion carried.



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Motion made by Vice Chairman Waters to have the Chairman notify the County Administrator that the status of the accounts has been terminated and the reasons why. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Killingsworth, Davenport, and Fair all in favor; motion carried. Motion made by Vice Chairman Waters to close the consumer accounts and open business accounts with a maximum credit limit of \$5000, and to have a unique identifier for the cards. Commissioner Fair asked to amend the motion to include that no county employee name be on the card (Chairman Shivers- all cards have Clay County Board of Commissioners). Motion seconded by Commissioner Davenport. Vice Chairman Waters and Commissioners Killingsworth, Davenport and Fair all in favor; motion carried. Vice Chairman Waters asked if they should follow up with Regions to see if there is any more detail they could get as to how it happened. The Attorney recommended their doing so. The Vice Chairman asked if it had to be done by one of the authorized signatures. Commissioner Killingsworth stated the matter might be cleared up once the Chairman speaks with the Administrator. Motion made by Vice Chairman Waters to afford the Chairman the option of pursuing this issue and how this happened with Regions Bank assuming he does not get a satisfactory answer from the Administrator. Motion seconded by Commissioner Fair. Vice Chairman Waters and Commissioners Killingsworth, Fair and Davenport all in favor; motion carried. Commissioner Killingsworth mentioned the number of resolutions coming before them. He reads them but don't know what's going on. He asked if money is just being switched around. Attorney Mills tried to clarify based on the water system fund. General Fund funds had been moved to the Water Fund without having resolutions to authorize it as a loan. He explained that a lot of what they have seen, when he's been present, were adjustments to get the proper resolutions to move funds from the general fund as a loan into the water fund to make it consistent and correct with our funding ordinance in the water system. Vice Chairman Waters agreed that there did seem to be a lot of resolutions moving a lot of money around. He stated that it didn't suggest wrong doing but if it is, it's hard to track. Vice Chairman Waters stated that the auditors have a standard they want them the follow, every 30 days, to be in compliance with their SAS. Every two weeks is excessive. Commissioner Killingsworth stated that he spoke with the auditor and was informed that we were in serious trouble last year about this kind of stuff. The Attorney said that they were with water. We were completely out of compliance. Chairman Shivers stated that it does seem like a lot and not just on water. Vice Chairman Waters stated that there are two resolutions that they would use for the water; but they have a lot more. Vice Chairman Waters stated that it may be innocent, nothing intentional but they need to try and nip it in the bud. The Board thanked the clerk for bringing the card to them.

4) Adjourn

Motion made by Vice Chairman Waters to adjourn. Motion seconded by Commissioner Fair. All in favor; motion carried. The special called meeting adjourned at 6:30 p.m.

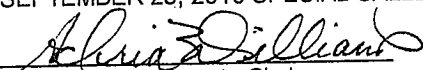


 David Shivers, Chairman

11-2-2010

 Date

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE SEPTEMBER 29, 2010 SPECIAL CALLED MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.



 Adria Williams, County Clerk

11/2/2010

 Date



Memorandum

Clay County Board of Commissioners Administrative Office

To: Chairman David Shivers, Vice Chairman Barry Waters, Commissioner Walt Killingsworth, Commissioner James Davenport, Commissioner Radar Fair, Sr., County Administrator Spencer Mueller

From: Adria Williams, County Clerk

Date: 10/1/2010

Re: Employee Payroll and Accounts Payable Check Signatures

Effective as of 09/29/2010

As per Regions Bank personnel, all signatures appearing on Clay County employee payroll and accounts payable checks must be signed the exact way they appear on the bank signature card. Initials of the person signing will not be honored.

CLOSED MEETING AFFIDAVIT

STATE OF GEORGIA
COUNTY OF CLAY

AFFIDAVIT OF CHAIRMAN

David Shivers, Chairman/Presiding Officer of the Clay County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1. The Clay County Board of Commissioners met in a duly advertised meeting on 9-29-10
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5:46 p.m.
4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

 Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

 Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential) _____;

 Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

 Other (describe the exemption to the open meetings law):

_____ as provided in (insert the citation to the legal authority exempting the topic) _____.

5. The executive session was adjourned at 6:20 p.m.

This 29 th day of September, 2010.

David Shivers, Chairman
Clay County Board of Commissioners

Sworn to and subscribed before me this 29 day of Sept, 2010.

Adrian D. Williams
Notary Public

My commission expires: ~~MY COMMISSION EXPIRES OCT 1, 2010~~