

MINUTES
CALLED MEETING OF THE
COLQUITT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 20, 2015
5:00 o'clock p.m.

CALL TO ORDER: The meeting was called to order at 5:00 o'clock p.m. by Chairman Terry R. Clark. The purpose of the meeting was to discuss various county issues and to conduct any other county business deemed necessary. The meeting was duly called and advertised.

PRESENT: Those present were Commissioners Winfred Giddens, Marc DeMott, Donna Herndon, Paul Nagy, and Johnny Hardin, Chairman Terry R. Clark, County Administrator Chas Cannon and County Clerk Melissa Lawson.

ABSENT: Commissioner Luke P. Strong, Jr.

ALSO PRESENT: Chief Compliance Officer Justin H. Cox, Human Resources Director John C. Peters, and ABM Representatives Jason Anderson and Keith Mills. Lester M. Castellow, County Attorney, joined the meeting briefly via teleconference.

BUDGET UPDATE: Mr. Cannon presented a brief budget update to the board.

Mr. Cannon reviewed all major financial funds with the board, citing no major issues or concerns.

Mr. Cannon informed the board that detailed financial information could be distributed upon request by contacting Wayne Putnal, Finance Director.

Commissioner DeMott questioned if revenue resulting from the recently implemented light, commercial solid waste service was being separated from residential solid waste revenue.

Brief discussion ensued regarding the county's cardboard recycling program.

LANDFILL COLLECTIONS: Mr. Cannon informed the board that three months into the fiscal year, landfill revenue collections exceeded 50% of the projected total revenue. Mr. Cannon stated that he fully anticipated revenue collections to exceed the projected amount for FY 15-16.

AMENDMENTS TO PERSONNEL POLICY: At this time, Mr. Cannon called upon John C. Peters, Human Resources Director, to present proposed amendments to the county personnel policy.

Mr. Peters stated that annual review of the county's personnel policy was imperative in order to ensure compliance with labor laws and to receive available discounts on the county's workers compensation insurance premiums. Mr. Peters presented the following amendments for the board's consideration:

- **Section 5 – Probationary and Regular Status** – Mr. Peters suggested inserting language in which to stress that any probationary and/or temporary employee be treated as an “at-will employee.” Mr. Peters explained that this revision would encompass any employee whose job requirement was contingent upon achieving a certification status. He further explained that the employee would be considered temporary until all necessary certification was obtained for the job position.
- **Section 11 – Attendance and Leave Policies** – Regarding annual leave accrual rates and policies for employees who elected to remain in the existing leave system, Mr. Peters suggested adding the clause “employed before October 7, 2014,” in order to clarify when the new leave policy went into effect. Mr. Peters stated this would also clearly communicate that any new employee would start accruing annual leave under the new leave policy.

Mr. Cannon stated that prior to the implementation of the new leave system, all employees were awarded leave in a lump sum at the beginning of the calendar year, based on years of service. He further stated that implementation of the new accrual based leave system resulted in hours being awarded on a bi-weekly basis.

Mr. Peters stated that due to several requests by employees to enter into the new leave system, as of January 1, 2016, the new leave plan would be opened for enrollment. However, Mr. Peters noted that once an employee elected to enroll in the new leave system, they could not revert back to the old leave system.

Annual Leave Accrual – Mr. Peters announced that an amendment to Subparagraph 2(a) of Section 11 was necessary in order to correct a clerical error regarding the number of hours accrued bi-weekly in the new leave system. Mr. Peters stated that the amendment would set annual leave accrual hours at 3.95 instead of 3.70.

Military Service - Mr. Peters stated that an amendment to Section 11, Paragraph E was being proposed in order to maintain conformity with federal rules and guidelines regarding military leave. He further stated that this particular amendment would not require a member of the National Guard or Military Reserve to use earned vacation while performing military service.

Family Medical Leave Act (FMLA) – In an effort to provide conformity with the Family Medical Leave Act, Mr. Peters suggested making it mandatory that an employee invoke FMLA after two weeks of consecutive sick leave. Mr. Peters stated that this amendment would provide protection for both the employee and the county.

- **Section 12 – Fair Labor Standards Act and Payroll** – Mr. Peters stated that the current personnel policy did not specifically designate Friday as the official county payday. As a result, language was being proposed to specify this and to mandate direct deposit to no more than five financial institutions. In addition, Mr. Peters stated that the proposed amendment specified email notification as the primary means of payroll notification.

Commissioner DeMott questioned the manner in which employees who could not obtain a checking account received compensation. Mr. Peters explained that these particular employees obtained a card on which their paycheck could be deposited.

Mr. Cannon stated that employees were initially apprehensive of mandatory direct deposit, but now genuinely preferred this safer, more secure method of payment.

Retirement – Mr. Peters also suggested making it mandatory that any personnel employed after January 1, 2016 be required to participate in the 457(c) Deferred Compensation Plan with a minimum contribution of 3% of salary. Mr. Peters stated that after one year of employment the county would match the employee's contribution, up to a maximum of 3%.

Commissioner Herndon stressed the need to ensure the legality of mandatory contribution.

Commissioner DeMott questioned the formula for determining the county match of contribution, stating that most institutions normally match 50% of the employee contribution.

COUNTY HEALTH INSURANCE OPTIONS: Mr. Cannon presented health plan options that county employees would be presented with during open enrollment in December. Mr. Cannon noted that all options, regardless of choice, incorporated the Kirk Clinic as the employee health clinic.

Mr. Cannon stated that Option C, the Colquitt Regional Medical Center (CRMC) steerage option, feature a significantly reduced deductible of \$500.00, but restricted use to CRMC physicians. Mr. Cannon further stated that wellness deductible credits would not apply to the CRMC Option.

Mr. Cannon stated that an increase in the nicotine surcharge, for a total amount of \$46.15 bi-weekly, would be applied effective January 1, 2016.

Mr. Cannon stated that the CRMC steerage plan was a good plan, and stressed that any employee whose condition necessitated care that was not offered by CRMC would not be penalized for seeking care outside of the CRMC network.

Commissioner Nagy questioned when the new plan would take effect and requested more information regarding the satellite clinic located in Doerun.

Mr. Cannon stated that a meeting was scheduled with John Taylor of Taylor Benefit Resources and Jim Matney, CEO of Colquitt Regional Medical Center, for a question and answer session with department heads.

Discussion ensued regarding the nicotine surcharge and the statistical data proving that nicotine users were at an increased risk for major health issues.

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Mr. Cannon informed the board that all employees on county health insurance were tested for nicotine usage at the county health fair.

ABM ENERGY PROJECT UPDATE: At this time, Jason Anderson of ABM Building Solutions presented the board with a progress update.

Mr. Anderson stated that two initial kick-off meetings were conducted with Mr. Cannon and necessary staff to ensure clear communication and to discuss the best tools, resources, and channels in which to communicate. Mr. Anderson further stated that a representative of ABM would attend all department head meetings in order to keep departments informed of project developments and progress.

In an effort to ensure clear communication with the court system, Mr. Cannon stated that he sent all correspondence and updates regarding the project to Tim Hendrick, Court Administrator within the Southern Judicial Circuit.

Mr. Anderson stated that the majority of the work completed thus far was performed at the Library. He further stated that he was pleased to announce that an additional \$130,000.00 in grant funding was obtained for the Library project, bringing the total amount to \$230,000.00.

Mr. Anderson reviewed a list of work completed at the Library, including lighting, controls, concentration on the building envelope, and major bathroom renovations.

Keith Mills, ABM Project Foreman, stated that he anticipated the bathroom renovation to be completed in late November.

Commissioner Herndon, who also serves on the Moultrie – Colquitt County Library Board, stated that Holly Philips, Library Director, was very pleased with the work performed thus far by ABM.

Mr. Anderson stated that building envelopes were also being concentrated on at other county buildings, in addition to beginning the lighting project at the Courthouse Annex. Mr. Anderson stated that he anticipated presenting an energy savings report in December.

In an effort not to disrupt working environments at the Jail and Prison, Mr. Anderson stated that HVAC work would begin in late November or early December due to the cooler weather. Mr. Anderson also stated that the roofing project at the Courthouse had already begun, with repair work not being as extensive as originally thought.

Mr. Cannon explained that flashing upon the roof was not installed properly, resulting in a water level that would rise about the flashing and seep into the building itself. Mr. Anderson stated that additional leaks were also discovered and repaired.

Commissioner Herndon stressed the importance of preventative maintenance in order to prevent major structural issues.

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The installation of solar trash cans at the Courthouse and their purpose was briefly discussed.

Mr. Cannon mentioned the possibility of implementing solar energy at the county landfill. Mr. Anderson stated that he had recently contacted a company regarding the benefits of solar energy.

Mr. Anderson stated that ABM had also been in contact with a local realtor regarding an ideal space for an office location in Moultrie. He further stated that local employees had recently been hired, with the hiring process currently ongoing.

At this time, Mr. Anderson formally introduced Project Manager Keith Mills. Mr. Anderson explained that that Mr. Mills' main duties included overseeing all buildings and projects as well as supervising subcontractors.

Mr. Mills stated that the implementation of controls at the Courthouse Annex would help tremendously and result in significant energy savings.

Commissioner DeMott addressed a letter recently received by Superior Court Judge Brian McDaniel regarding a potential mold situation at the Courthouse.

Mr. Anderson and Mr. Mills both agreed that it was too early to confirm the existence of mold, but stated that the situation was being thoroughly investigated and monitored.

EXECUTIVE SESSION: Commissioner DeMott made the motion at 5:59 p.m. to go into Executive Session to discuss pending litigation. Commissioner Nagy made a second. The motion carried unanimously. (An affidavit, as required by Georgia Law, was executed by all Board members present stating under oath that the subject matter of the closed meeting was devoted to matters within the exception provided by law and identified the specific relevant exception as provided by law. The affidavit is hereby made a portion of the minutes be reference thereto.)

REGULAR SESSION: Commissioner Hardin made the motion at 6:17 p.m. to reconvene into regular session. Commissioner DeMott made a second. The motion carried unanimously.

MID-MONTH REVIEW: Mr. Cannon reviewed several upcoming agenda items with the board.

- Contract Approvals:
 - Family Connection Contract – Mr. Cannon stated that the board voted to terminate the existing contract with the Southwest Georgia Community Action Council in order to contract directly with Family Connection. Mr. Cannon stated that the proposed contract would be placed on the agenda for the board's consideration.

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- Memorandum of Understanding – County Physician – Mr. Cannon stated that this particular document would incorporate changes resulting from the consolidation of medical services at the Prison and Jail. Mr. Cannon explained that Dr. Woodwin Weeks, County Physician, would be on call and serve both locations as referenced in the medical services contract with Colquitt Regional Medical Center. Mr. Cannon stated that Dr. Weeks' monthly stipend would be \$3,500.00.
- Approval of Invoice – Edmunds and Associates – Mr. Cannon presented an invoice received from Edmunds & Associates, the county's accounting software vendor. Mr. Cannon explained that the invoice, in the amount of \$15,074.00, represented software maintenance fees for the term January 1, 2016 – December 31, 2016. Mr. Cannon stated that funding for this expenditure was including in the current fiscal budget.
- Authorizing Resolution for 5311 Program – Mr. Cannon stated that a resolution would be placed upon the agenda for the purpose of authorizing the Southwest Georgia Regional Commission to apply for rural transit 5311 funding on behalf of counties and cities in Southwest Georgia. Mr. Cannon explained that this was routinely performed on an annual basis at no cost to the county.
- Resolution for Reimbursement from Hazardous Waste Trust Fund – Mr. Cannon presented a resolution authorizing reimbursement from the Hazardous Waste Trust Fund in the amount of \$11,703.55. Upon approval, Mr. Cannon stated that the resolution and agreement would be submitted to the Georgia Department of Natural Resources – Environmental Protection Division in order to complete the reimbursement process.
- Letter from Citizen – At this time, Mr. Cannon stated that he had received a request from Mr. Tom Rodgers to read a letter aloud during a commission meeting. Mr. Cannon explained that Lester M. Castellow, County Attorney, advised that the letter not be read aloud, but instead advised informing Mr. Rodgers to use another public forum.
- Public Hearings – Mr. Cannon informed the board that three rezoning applications, as well as a request for major subdivision, were received from Ed Wasdin. Mr. Cannon stated that all applications were unanimously denied by the Moultrie – Colquitt County Planning Commission.

Commissioner Hardin questioned how the applications could be denied if all zoning requirements and regulations were met.

At this time, Lester M. Castellow, County Attorney, joined the meeting via telephone. Mr. Cannon proceeded to update Mr. Castellow on the issue concerning the zoning applications submitted by Mr. Wasdin.

Mr. Castellow stated that he would need time to review the applications submitted. Upon further research, Mr. Castellow stated that he would contact Mr. Cannon.

Mr. Cannon stated that more information regarding the matter would be provided to the board at the November Work Session.

Discussion ensued regarding the application and legal ramifications that must be considered.

ADMINISTRATOR UPDATES: At this time, Mr. Cannon reviewed several key, pertinent issues with the board.

- Insurance Issue – Mr. Cannon informed the board that a significant insurance claim had been filed regarding an accident in which an occupant, in a county vehicle driven by a county employee, was seriously injured. Mr. Cannon stated that the Association of County Commissioners of Georgia, through which the county maintains property and liability insurance, recommended that the county settle the claim.
- Patch Road Paving Update – Mr. Cannon presented an aerial photo of Patch Road, located in Commissioner Giddens' district. Mr. Cannon stated that he had been in touch with property owners along the road regarding the potential paving project. As a result, these Mr. Cannon stated that these individuals indicated that they would like an additional 800 ft paved. Mr. Cannon stated that Stan Kirksey, Road Superintendent, estimated that the additional footage would cost approximately \$65,000.00. Mr. Cannon stated that he anticipated forward progress near the end of November.

At this time, Mr. Cannon presented bids for the board's consideration regarding the provision of solid waste carts to be utilized by the Solid Waste Department.

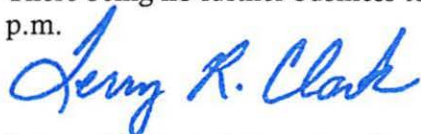
APPROVAL OF BID FOR REFUSE CARTS: Commissioner Hardin made the motion to accept the low and recommended bid from Consolidated Disposal, in the amount of \$30,371.50, for 549 refuse carts to be utilized by the Solid Waste Department. Commissioner Giddens made a second. The motion carried unanimously.

KEY DATES: Mr. Cannon presented a list of key, upcoming dates to the board.

Chairman Clark questioned the status of the county financial audit.

Discussion briefly ensued regarding the status of the audit.

There being no further business to come before the board, the meeting was adjourned at 6:48 p.m.



Terry R. Clark
Chairman



Melissa Lawson
County Clerk

Approved:

November 3, 2015

AFFIDAVIT

This is to certify that the Colquitt County Board of Commissioners held an Executive Session Meeting (closed meeting) on October 20, 2015 at 5:59 o'clock a.m./p.m. The majority of the quorum present voted in the open meeting to go into Executive Session (closed meeting). The subject matter discussed was applicable under the following code section(s):

- O.C.G.A. 50-14-2(1) - Consultation with an attorney regarding pending or potential legal action.
- O.C.G.A. 50-14-3(4) - Discussion of future acquisition of real estate. (Notice was given as required and minutes taken.)
- O.C.G.A. 50-14-3(6) - Discussion of personnel matters.

I further certify that the subject matter of the Executive Session (closed meeting) was devoted to matters within the exception provided by law and the above checked identifies the specific relevant exception.

This 20th day of October, 2015.

Terry Clark
Terry Clark, Chairman

Winfred Giddens
Winfred Giddens, Commissioner

Donna Herndon
Donna Herndon, Commissioner

Johnny Hardin
Johnny Hardin, Commissioner

Luke Strong
Luke Strong, Commissioner

Marc DeMott
Marc DeMott, Commissioner

Paul Nagy
Paul Nagy, Commissioner

Sworn to and subscribed
before me, this 20th day of
October, 2015.

Melissa E. Lawson
County Clerk or Notary Public

My Commission Expires:

