



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, April 5, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss and Dick Morrow present. Commissioner McDaniel was absent due to sickness. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. **OPENING (CALL TO ORDER) – Chairman Kendall**
- II. **INVOCATION - Rev. Reginald Jacobs – Led by Commissioner Goss in the absence of Rev. Jacobs.**
- III. **PLEDGE TO FLAG – Led by Chairman Kendall**
- IV. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Joint City/County Proclamation “Nunc Pro Tunc” proclaiming the week of March 20-27, 2004 as “Women Build Week” in Griffin and Spalding County, Georgia. *Upon motion by Commissioner Davis, seconded by Commissioner Kendall the following Proclamation was unanimously approved by a vote of 4-0.*

PROCLAMATION “WOMEN BUILD WEEK”

WHEREAS, Habitat for Humanity International is a nonprofit, ecumenical Christian housing ministry that seeks to eliminate substandard housing worldwide; and,

WHEREAS, since 1989, Griffin Area Habitat for Humanity has constructed 34 homes with the support of the community through donations and volunteers from local individuals, organizations, businesses and the faith community; and,

WHEREAS, Griffin Area Habitat for Humanity applauds and appreciates the generosity shown by Congressman Jack Flynt and family with their donation of property that made the Women Build project possible; and,

WHEREAS, the Women Build Program empowers women to build simple, decent, healthy, and affordable houses with Habitat for Humanity and provides women an opportunity to improve the quality of life for families and positively impact the lives of children in poverty and substandard housing; and,

WHEREAS, during World War II, American women stepped forward to fill vacancies in factories left by men going to serve their country abroad and these women became known and endeared as Rosie the Riveters; and,

WHEREAS, one of Griffin’s own Rosie the Riveters, Betty Taylor, is serving as honorary chair of the Griffin Area Habitat for Humanity Women Build project; and,

WHEREAS, more than 200 women volunteers from the community and around the state are volunteering to work on the Griffin Women Build project for the week of March 20 – 27, 2004, to build a home with a local family.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Griffin and the Board of Commissioner of Spalding County recognize the importance of the Griffin Area Habitat for

Humanity and the Women Build Project and do hereby proclaim the week of March 20-27, 2004 as **“Women Build Week”** in Griffin, Georgia.

This, the 20th day of March 2004.

V. PRESENTATION OF FINANCIAL STATEMENTS - n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

There was no one present who wished to make comments.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of March 15, 2004, the Joint Special Called Meeting of March 18, 2004 and Zoning Public Hearing of March 25, 2004.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the minutes of the Extraordinary Session of March 15, 2004 were unanimously approved by a vote of 4-0.

Upon motion by Commissioner Morrow, seconded by Commissioner Kendall the minutes of the Joint Special Called Meeting of March 18, 2004 were approved by a vote of 3-0-1 with Commissioner Davis abstaining as he was not present for the meeting.

Upon motion by Commissioner Davis, seconded by Commissioner Kendall the minutes of the Zoning Public Hearing of March 25, 2004 were unanimously approved by a vote of 4-0.

IX. CONSENT AGENDA

Upon motion by Commissioner Morrow, seconded by Commissioner Davis Items 1-3 on the Consent Agenda were unanimously approved by a vote of 4-0.

1. Consider at second reading of Amendment to the Official Zoning Map of the following:

- **Application #04-02Z:** Stan Lindsey Homes, Inc., Owner – Intersection of Amelia Road and Locust Grove Road – 10.737 acres – AR-1 to R-4, Conditional.

**APPLICATION OF STAN LINDSEY HOMES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-02Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “AR-1, Agricultural and Residential;”

WHEREAS, Stan Lindsey Homes, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential Low Density;”

WHEREAS, such application was filed with Spalding County, Georgia on January 22, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on

March 25, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land lying and being in Land Lots 84 and 85 of the 2nd District, originally Henry County, now Spalding County, Georgia and being described as follows:

BEGINNING at a point located at the intersection of the northerly right-of-way of Locust Grove Road (60 foot R/W) with the eastern right-of-way of Amelia Road (80 foot R/W); run thence along the easterly right-of-way of Amelia Road North 09 degrees 44 minutes 24 seconds West 50.54 feet to a point; run thence North 02 degrees 56 minutes 12 seconds West 331.65 feet to a point; continuing along the eastern right-of-way of Amelia Road and following the curvature thereof a distance of 132.38 feet (having a chord bearing and distance of North 09 degrees 44 minutes 24 seconds West, 132.07 feet and a radius of 557.47 feet) to a point; run thence North 16 degrees 54 minutes 44 seconds West 550.67 feet to a point; thence leaving said right-of-way run North 75 degrees 30 minutes 44 seconds East 579.63 feet to a point; run thence South 05 degrees 30 minutes 36 seconds East 409.84 feet to a point; run thence South 40 degrees 34 minutes 09 seconds East 231.18 feet to appoint located on Locust Grove Road; run thence along said right-of-way and following the curvature thereof a distance of 129.87 feet (having a chord bearing and distance of South 14 degrees 03 minutes 30 seconds West, 129.87 feet and a radius of 3732.02 feet; run thence South 41 degrees 26 minutes 53 seconds West a distance of 642.22 feet to a point and the point of beginning. All as shown of a plat of survey prepared for Stan Lindsey Homes, Inc. by William W. Deloach (G.R.L.S. No. 1711) dated January 15, 2004, which survey contains 10.737 acres.

From “AR-1, Agricultural and Residential” to “R-4, Single Family Residential Low Density” District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. Maximum of five (5) lots.
- b. Water main to be run along Amelia Road.

Section 3

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On April 5, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being Land Lot 84 and 85 of the 2nd Land District

originally Henry, now Spalding County, Georgia, containing 10.737 acres located on Amelia Road and Locust Grove Road, zoned R-4, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

2. Consider at second reading of Amendment to the Official Zoning Ordinance of the following:

- **Amendment to UDO #A-04-03**: Article 5. Agricultural and Residential – Section 503:C(13) and D(5) and Article 6. Rural Reserve – Section 603:C(11) and D(5)—revision to Home Occupation, Minor or Home Occupation, General, excluding public garage, repair, garage and kennel.

IN RE:

Text Amendment #A-04-03

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on March 25, 2004 pursuant to O.C.G.A. ' 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be deleted from Article 5 Agricultural and Residential District of the Zoning Ordinance of Spalding County: Section 503(C)(13).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County to appear as Article 5 Agricultural and Residential District, Section 503(C)(13):

Section 503. Permitted Uses.

C. The following accessory uses are permitted in AR-1:

13. Home occupation, minor.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County to appear as Article 5, Agricultural and Residential District: Section 503(D)(5):

Section 503. Permitted Uses.

D. The following accessory uses are permitted as Special Exceptions in AR-1:

5. Home occupation, general, excluding public garage, repair garage and kennel.

Section 4: The following provision shall be deleted from Article 6, Rural Reserve District of the Zoning Ordinance of Spalding County: Section 603(C)(11)

Section 5: The following provision shall be added to the Zoning Ordinance of Spalding County to appear as Article 6, Rural Reserve District: Section 603(C)(11):

Section 603. Permitted Uses.

C. The following accessory uses are permitted in AR-2:

11. Home occupation, minor.

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County to appear as Article 6, Rural Reserve District: Section 603(D)(5):

Section 603. Permitted Uses.

D. The following accessory uses are permitted as Special Exceptions in AR-2:

5. Home occupation, general, excluding public garage, repair garage and kennel.

Section 7: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

3. Consider at second reading an ordinance amending the Spalding County Code relative to the addition of Leach Road designated as “No Thru Trucks”.

**SPALDING COUNTY, GEORGIA
STREET USE ORDINANCE
ORDINANCE NO. 2004-01**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO THROUGH TRUCKS ON CERTAIN COUNTY ROADS.

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia be amended in Part VI, Chapter 2, Section 6-2004, relating to no through trucks on streets, by adding paragraph (48) as follows:

“(48) Leach Road from Rover-Zetella Road to State Route 16”.

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia, present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider request from First Assembly of God Church for a six month amplification permit beginning in April to allow outdoor crusade for the Children's Department to minister to Spalding Heights' residents on Saturdays from 10:00 a.m. until 12:00 noon. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss request for six month amplification permit was unanimously approved by a vote of 4-0.*

2. Consider request from Southside Riders Association to host their annual event on the premises of the Country Rock Café on Saturday, April 24, 2004 from 1:00 p.m. until 12:00 midnight. *Upon motion by Commissioner Davis, seconded by Commissioner Goss request from Southside Riders Association to host annual event was unanimously approved by a vote of 4-0.*

3. Consider request from Southside Riders Association for outside amplification permit for Saturday, April 24, 2004 from the hours of 12:30 p.m. until 10:00 p.m. to be used for announcements as well as music and entertainment. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow request for outside amplification permit was unanimously approved by a vote of 4-0.*

4. Consider request from Griffin/Spalding Chamber of Commerce and the Iris City Arts & Crafts Festival Committee for funding in the amount of \$11,000 for the Iris City Festival and tourism promotions. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis request of \$11,000 to be taken from hotel/motel tax fund was unanimously approved by a vote of 4-0.*

5. Consider authorizing the Chairman to execute revised CSBG Project Application Plan to provide for Carry-over funds and additional allocations for the FY 2004 Budget. Ms. Jeannie Brantley, Grant Administrator was present to answer any questions. The original application was for \$132,300.59, carryover funds from FY'03 were \$120,956.27 and additional monies allocated for FY'04 were \$39,418.38 making the total amount of budget of \$292,675.24.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis authorization for Chairman to execute the CSBG PAP was unanimously approved by a vote of 4-0.

6. Consider approval of the final plat of Chester Woods Subdivision, located off Kilgore Road. County Manager Wilson stated that there was one correction to be made on the final plat and that was the deletion of the dedicated buffer. The only requirement is the green space. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the final plat with the correction of deletion of dedicated buffer was approved by a vote of 3-0-1 with Commissioner Morrow abstaining giving reason of conflict of interest.*

7. Consider acceptance of right-of-way (ROW) deed for Chester Woods Court located in Chester Woods Subdivision off Kilgore Road. *Upon motion by Commissioner Davis, seconded by Commissioner Goss acceptance of right-of-way deed was approved by a vote of 3-0-1 with Commissioner Morrow abstaining giving reason of conflict of interest.*

8. Consider the proposed Memorandum of Understanding between Spalding County Board of Health and Spalding County Board of Commissioners regarding medical and dental care of inmates as well as Board of Health's FY 2005 Budget request. Chairman Kendall stated that Mr. Wayne Moss has requested that this item be pulled from tonight's agenda. *Upon motion by Commissioner Kendall, seconded by Commissioner Davis this item was tabled until the April 19, 2004 meeting by a unanimous vote of 4-0.*

9. Consider Resolution authorizing Lease Purchase Agreement with Association County Commissioners of Georgia for vehicles for various departments and for wireless Phase II upgrades at the 911 Center. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 4-0.*

ATTACHMENT E

RESOLUTION FOR LEASE ADDENDUM

A RESOLUTION TO AUTHORIZE AND DIRECT THE EXECUTION
OF ONE OR MORE LEASE ADDENDA FOR A LEASE
OR LEASES WITH ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA; TO PROVIDE AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Spalding County Board of Commissioners (“Lessee”) has entered into a Master Equipment Lease (the “Master Equipment Lease”) dated as of April 18, 2003 with Association County Commissioners of Georgia, for the leasing from time to time of certain property pursuant to Lease Addenda;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY GOVERNING BODY OF THE LESSEE:

1. The Chairman of Lessee is hereby authorized and directed to execute and deliver a Lease Addenda pursuant to the Master Equipment Lease to put into effect one or more leases for Various Vehicles (the “Equipment”); said officer of the Lessee is authorized and directed in the name and on behalf of the Lessee to execute and deliver: (i) one or more Lease Addenda for items of the Equipment in substantially the form attached to the Master Equipment Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Equipment Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. An appropriation in Lessee’s current operating budget has previously been made in the amount of *\$0.00*, which shall be sufficient to pay the “Rents” during the “Commencement Term” under such Lease Addenda; or
3. The lease or leases contemplated by the said Lease Addenda are hereby designated “Qualified Tax-Exempt Obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith. (This paragraph 3 is not applicable and the Lease will be a Non-Bank Qualified Lease if the following box is checked)
4. This resolution shall be effective immediately.

10. Consider declaring surplus vehicles for Fire Department and Parks and Recreation Department and authorizing acceptance of sealed bids for disposal. County Manager Wilson asked that the Board include in their motion that no county employee would be allowed to bid on these vehicles. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow the following vehicles were declared surplus authorizing acceptance of sealed bids for disposal with no county employee being allowed to bid on vehicles by a unanimous vote of 4-0.*

Fire Department

1992 Ford F250 Econoline Van	VIN #1FTHE24H5NHB69519
1998 Ford LTD Crown Victoria	VIN #2FABP72F8JX202334
1989 Ford LTD Crown Victoria	VIN #2FABP72F6KX201412
1972 Ford C-8000 Pumper	VIN #D80CVM92921

Parks and Recreation

1988 Ford LTD Crown Victoria	VIN #2FABP72F0JX196965
1988 Dodge Aries	VIN #1B3BD46K9JF149410

11. Consider at first reading an ordinance amending the Spalding County Code relative to the Sale of Alcohol on Election Days and Consumption on Premises. Commissioner Morrow noted that there was a

typographical error under Section 3 of the Ordinance as it should read sub-paragraph 3 in lieu of sub-paragraph 2. County Attorney Fortune recommended that this ordinance be tabled to verify the correct wording of the new ordinance.

Upon motion by Commissioner Davis, seconded by Commissioner Morrow first reading of ordinance relative to the Sale of Alcohol on Election Days was tabled to the April 19, 2004 meeting by a unanimous vote of 4-0.

12. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to appropriate funds for capital improvements to the Jail. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis first reading of ordinance was unanimously approved by a vote of 4-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

13. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to provide for funds received from the LEOP Grant (Local Emergency Operations Plan). *Upon motion by Commissioner Morrow, seconded by Commissioner Davis first reading of ordinance was unanimously approved by a vote of 4-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

14. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to provide for transfer of funds within the CSBG Grant Program. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow first reading was unanimously approved by a vote of 4-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

15. Consider approval of Trust Agreement with United Bank for Workers Compensation Trust Fund and Employees Benefit Trust Fund. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Trust Agreement was unanimously approved by a vote of 4-0.*

**STATE OF GEORGIA
COUNTY OF SPALDING**

WORKER'S COMPENSATION & EMPLOYER'S LIABILITY

TRUST AGREEMENT

THIS WORKER'S COMPENSATION & EMPLOYER'S LIABILITY TRUST AGREEMENT, between SPALDING COUNTY BOARD OF COMMISSIONERS, a political subdivision of the State of Georgia (hereinafter the "County"), and United Bank, as Trustee, (hereinafter called the "Trustee").

WITNESSETH:

WHEREAS, the County was created in 1851 as a political subdivision of the State of Georgia, and operates under the Constitution of the State of Georgia; and

WHEREAS, the County has need to establish a self-funded monetary reserve fund (hereinafter the "Trust Fund") so that the County will have, at all times, funds sufficient to pay excess worker's compensation & employer's liability insurance premiums, administration expenses, any taxes and assessments, claims, legal expenses, consultant's fees and other approved disbursements for its self-insured Worker's Compensation & Employer's Liability Plan; and

WHEREAS, pursuant to the provisions of the Act the County in the exercise of the power given to its contracts with excess insurance carriers to provide protection against worker's compensation, employer's liability claims in excess of an amount agreed to by the County; and

WHEREAS, the County has determined that the establishment of a Trust Fund is in the best interest of the County and will promote and protect the public interest; and

WHEREAS, the County desires to establish by this Trust Agreement a Trust Fund to be held by an independent fiduciary to hold and manage contributions paid by the County pursuant to this Trust Agreement; and

WHEREAS, the County has asked United Bank to act as Trustee pursuant to this Trust Agreement; and

WHEREAS, United Bank has agreed to act as Trustee of the Trust Fund herein established pursuant to the express provisions hereof; and

WHEREAS, the County and the Trustee recognize that the Trust herein created is being created for the administration and funding of the County's Self-Funded Worker's Compensation & Employer's Liability Plan as adopted by the County from time to time.

NOW, THEREFORE, in consideration of the mutual benefits and detriments flowing to and from the parties, it is mutually agreed as follows:

ARTICLE I

CONTRIBUTIONS AND PURPOSES

Section 1.01 Contributions: Contributions shall be made by the County to the Trustee as such times and in such amounts as shall be determined by the County.

Section 1.02 Purposes: The purposes of the Trust shall be to pay worker's compensation and employer's liability claims; expenses related to such losses, including without limitation, the claims management process, premium and other related coverage expenses, administration expenses, any taxes and assessments, expenses with respect to legal expenses, litigation costs, actuarial expenses, Trustee's fees, consultant's fees and other expenses relating to the maintenance of the Trust Fund by the Trustee.

ARTICLE II

ACTUARIAL SERVICES

Section 2.01 Actuaries: In concert with its risk management and insurance consultant, the County may secure the service of an actuary to determine the reasonable level of Trust Fund Contributions to be made by the County for the payment of worker's compensation and employer's liability claims.

Section 2.02 Reports: The County shall be responsible for the payment of any actuarial studies provided the County and the Trustee shall have no responsibility with respect to any such studies or reports obtained by the County except to the extent that the Trustee will be authorized to make payment from the Trust Fund herein created for any expenses relating to actuarial services pursuant to written direction from the County and/or its risk management consultant.

Section 2.03 Distribution of Actuarial Reports: The County agrees to furnish the Trustee copies of any actuarial report made for the County with respect to the level of Trust Fund contributions to be made by the County.

ARTICLE III

TRUSTEE

Section 3.01 Trust Fund: Contributions made by the County to the Trustee shall be considered assets of the Trust Fund and shall be held, administered and invested by the Trustee. It shall be the responsibility of the Trustee to receive such money as may be contributed or transferred to the Trust Fund by the County and to hold, manage, invest, and reinvest the assets of the Trust Fund. All income earned on the assets of the Trust Fund shall become a part of the Trust Fund and shall be used by the Trustee in establishing the fund levels required by the County and for the uses and purposes of the Trust Fund.

Section 3.02 Sufficiency of Contributions: The County shall have the sole responsibility for determining the level of contributions made to the Trust Fund. The Trustee shall have no responsibility to determine the amount nor sufficiency of contributions or other assets transferred to it by the County. Funds shall be paid to the Trustee by the County in keeping with the determination made with respect to the level of contributions necessary to carry out the purposes of the Trust Fund.

Section 3.03 Management of the Trust Fund: The Trustee shall have the power to do those things necessary or proper to administer the Trust Fund. In carrying out the management and administration of the Trust Fund, the Trustee shall have the following powers, all of which may be exercised without order of or report to any Court:

- (a) To sell, exchange, or otherwise dispose of any property at public or private sale, for cash or on terms, without the necessity of court approval or advertisement;

- (b) To retain, sell, invest and reinvest in any bond, securities or other property, which is deemed proper, necessary or expedient, without any responsibility for the exercise of this discretion except that of using ordinary care;
- (c) To renew any indebtedness, as well as borrow money and to secure the same by mortgaging, pledging and/or conveying any property;
- (d) To register any bond or other security in the name of a nominee with or without disclosure of any fiduciary relationship; but accurate records shall be maintained showing that such security is a trust asset;
- (e) To vote in person or by proxy all stocks or other securities at any time forming part of the trust as to any corporate questions, including reorganization, to exercise options, conversion privileges or rights to subscribe for additional securities, as well as to make payment therefore;
- (f) To serve without making and filing inventory and appraisal, without filing any annual or other returns to any court and without giving bond; but shall furnish at least monthly a statement of receipts and disbursements to the County, as herein provided;
- (g) To take such actions as may be necessary, although not specifically set forth herein, as the Trustee may deem necessary or proper to administer the Trust Fund and to carry out the purposes of this trust, provided, however, this shall not include the power to lend to the County or to any agency of the County.

Section 3.04 Investment of Trust Funds: The Trustee shall limit its Investments to any instrument fully insured or guaranteed by the full faith and credit of the United States or a United States government agency and other investments permitted under the Local Government Investment Pool Act, Georgia Laws, 1980, p. 1715, as amended. (O.C.G.A.§36-83-1). Authorized investments shall also include deposits in qualified mutual funds that invest in eligible investments.

Section 3.05 Reporting: The Trustee shall submit to the County a financial statement relating to the Trust Fund as may be required by the County. The Trustee shall submit a financial statement to the County no later than thirty (30) days after the end of each annual insurance reporting period as requested by the County. This statement must show the balance in the Trust Fund at the beginning of the period, current period contribution, and amount and nature of payments, legal expenses, claims paid, the Trust Fund balance, and other related items. The County and Trustee agree that the records with respect to the Trust Fund shall, at all times, be available to intermediary review and audit. The County agrees to provide the Trustee with the dates the financial statements herein required are to be furnished.

Section 3.06 Contents of Report: The financial statement required of the Trustee shall show the fair market value of the assets of the Trust Fund, together with contributions by the County during the reporting period, disbursements by the Trustee, including interest, as of the last day of the reporting period. The Trustee agrees to prepare the report, if so requested by the County, to show with particularity the purposes for each disbursement.

Section 3.07 Resignation of Trustee: The Trustee may resign at any time by giving ninety (90) days written notice to the County. The Trustee shall render a full account to the County of its actions with respect to the Trust Fund from the period from the last annual report. The Trustee shall, in the interim, fully perform its duties herein required until such time a successor Trustee has been appointed.

Section 3.08 Removal of Trustee: The County may remove the Trustee at any time upon ninety (90) days written notice. In the event of such removal, the County shall pay the Trustee for any fees earned pursuant to its agreement with the County and the Trustee shall account to the County for its administration of the Trust Fund. Upon removal, the Trustee shall properly transfer and deliver to the successor Trustee as named in writing by the County, all assets and records of the Trust Fund.

Section 3.09 Successor Trustee: In the event of vacancy in the Trusteeship of this Trust Fund, the County shall promptly designate and appoint a qualified successor Trustee. Upon such appointment, all assets held by the Trustee shall be delivered to the successor Trustee and a final accounting made to the County. Any successor Trustee shall have and may exercise all the rights, powers, privileges and duty of the Trustee as fully and to the same extent as if it had originally been named Trustee herein.

ARTICLE IV

DISBURSEMENTS

Section 4.01: The County will continue to have during the term of this Trust Fund, a worker's compensation & employer's liability plan which will include a process to limit the County's risk with

respect to any worker's compensation and employer's liability claims. The worker's compensation & employer's liability plan shall be formulated and supervised by the County, its Commissioners and the Administrative Services Director.

Section 4.02: Upon written direction by the Chairman of the Board of Commissioners, the County Manager, or the Administrative Services Director, the Trustee shall be authorized to disburse funds from this Trust Fund to a disbursement account so designated in writing by the Chairman of the Board of Commissioners, the County Manager, or the Administrative Services Director. The Trustee shall at no time have any obligation to inquire as to the payee or the purpose of such disbursements. The names and addresses of the Chairman, County Manager, and the Administrative Services Director shall at all times be made known to the Trustee.

Section 4.03: The expenses contemplated to be paid from this Trust Fund and related disbursement account shall include, but shall not be limited to, the following expenses with respect to the County's worker's compensation & employer's liability self-funded

- (a) Worker's compensation or employer's liability claims;
- (b) Expenses of establishing this Trust Fund;
- (c) Expenses of administering the worker's compensation and employer's liability claims program established by the County;
- (d) Expenses, including but not limited to Administrative Fees, related to worker's compensation and employer's liability claims;
- (e) All expenses of making purchases and sales and other expenses of managing this Trust Fund, including the compensation to be paid to the Trustee as may be agreed upon from time to time by the County and the Trustee;
- (f) Any taxes which may be levied or assessed against the Trustee on account of this Trust Fund shall be paid from the Trust Fund when due, unless otherwise paid by the County;
- (g) Legal fees;
- (h) Risk management and insurance consultant's fees;
- (i) Loss adjustment expenses;
- (j) Expenses related to a self-insured Worker's Compensation Program including State Tax Assessment & Subsequent Trust Fund annual fees;
- (k) Safety & Loss Control expenses;
- (l) Any taxes or assessments;
- (m) Insurance premiums; and
- (n) Other expenses that may be authorized by the County relating to the self-funded worker's compensation & employer's liability plan; and

ARTICLE V
AMENDMENT

Section 5.01: The County may, at any time, and from time to time, amend this Trust Agreement in any respect by written instrument signed by the County and accepted by the Trustee. No amendment, however, shall adversely affect the rights and duties of the Trustee without its consent. The County reserves the right to amend this Trust Agreement retroactively if necessary to cause the Trust Fund created by this Trust Agreement to be exempt from income taxes under the Internal Revenue Code.

ARTICLE VI
EXECUTION

Section 6.01: This Trust Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have set their respective hands and seals this 5th day of April 2004.

BY: _____
M. Michael Kendall, Chairman
Spalding County Board of Commissioners

SEAL

ATTEST: _____

UNITED BANK

BY: _____

Title: _____

CORPORATE SEAL

ATTEST: _____

16. Consider approval of Memorandum of Agreement for Transportation Planning Coordination and Cooperation between the Atlanta Regional Commission, Spalding County, and the Georgia Department of Transportation. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Memorandum of Agreement for Transportation Planning Coordination and Cooperation was unanimously approved by a vote of 4-0.*

Memorandum of Agreement

TRANSPORTATION PLANNING COORDINATION AND COOPERATION

between the Atlanta Regional Commission,
Spalding County and the Georgia Department of Transportation

SECTION 1: PURPOSE

This Memorandum of Agreement (MOA) defines the roles and responsibilities of the Atlanta Regional Commission, Spalding County and the Georgia Department of Transportation in the continuing, cooperative and comprehensive transportation planning activities of the Atlanta Metropolitan Transportation Planning Area.

The Atlanta Regional Commission (ARC) is the federally designated Metropolitan Planning Organization for the Atlanta Metropolitan Transportation Planning Area as well as the state designated Metropolitan Area Planning & Development Commission with the responsibilities of a Regional Development Center. The ARC is composed of officials of political subdivisions and private citizens representing districts of approximately the same population within the Atlanta metropolitan area as determined from time to time in accordance with the provisions of Chapter 8 of Title 50 of the official Code of Georgia Annotated. Such composition provides representation to local governments within the area.

In January 2004, the Governor concurred with an expanded Atlanta Metropolitan Transportation Planning Area adopted by the ARC on October 22, 2003. The expanded area is based on the 2000 Census and includes:

- ARC ten member counties – Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale
- Three Suburban Counties - Coweta, Forsyth, Paulding
- Portions of six Suburban Counties – Barrow, Bartow, Hall, Newton, Spalding, Walton

Although Spalding County is not member of the Atlanta Regional Commission, the State of Georgia determined that Spalding County may become a limited member of the Atlanta Regional Commission for the purpose of transportation planning, while still maintaining full membership in the McIntosh Trail Regional Development Center.

SECTION 2: DEFINITIONS

The following terms used in this MOA shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. 3-C Planning Process** means a continuing, cooperative and comprehensive transportation planning process as defined in Title 23 USC §§ 134 and Section 5303 of the Federal Transit Act that leads to the adoption, by the MPO, of a metropolitan transportation plan and a Transportation Improvement Program (TIP). The Plan and the TIP provide for the development and operation of an integrated transportation system that facilitates the efficient movement of people and goods.
- B. Atlanta Metropolitan Transportation Planning Area** means the political subdivisions encompassed in the Transportation Planning Boundary established by ARC and the Governor pursuant to 23 CFR 450.308(b) to reflect the Atlanta Urbanized Area identified by the U. S. Census Bureau in the most recent census.

- C. **Atlanta Regional Commission (ARC)** means the multipurpose, comprehensive regional planning agency created pursuant to State law and designated as the planning agency for the Atlanta Region for all federal and state programs which require or encourage areawide planning. ARC is designated by the Governor of the State of Georgia as the Metropolitan Planning Organization for the Atlanta area pursuant to the Federal Aid Highway Act (23 U.S.C. § 101 et seq.), the Federal Transit Act (49 U.S.C. Appx § 1601 et seq) and other applicable federal and state laws.
- D. **Georgia Department of Transportation (GDOT)** means the Department designated as the state transportation agency under Georgia law, to carry out a statewide transportation planning process as required by Title 23 U.S.C 135. GDOT is authorized by Georgia Code to organize, administer, and operate an efficient, modern system of public roads and other modes of transportation including public transit, rail, aviation and ports.
- E. **Limited Membership** means a county membership in the ARC without annual dues, for purposes of transportation planning only. This membership is applicable for Suburban Counties in an expanded planning area except a county that is part of another MPO (e.g., Hall County). The limited member will have a voting membership on the Transportation Coordinating Committee and the Transportation & Air Quality Committee.
- F. **Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision-making for the metropolitan planning area. The MPO is responsible for the 3C planning process required by Title 23 USC 134.
- G. **Non-Attainment Area** means an area designated by EPA as non-attainment for a particular pollutant. As of 2003, a 13-county Atlanta Non-Attainment Area for ozone under the 1-hour standard is in effect (Clayton, Cherokee, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Henry, Gwinnett, Paulding and Rockdale). By April 2004, a 20-county Atlanta Non-Attainment Area for ozone under the 8-hour standard is proposed for designation by EPA. This area includes the 13-county area plus Barrow, Bartow, Carroll, Hall, Newton, Spalding and Walton Counties. In late 2004, an Atlanta Non-Attainment Area for PM2.5 will be designated.
- H. **Regional Transportation Plan (RTP)** means the financially balanced 20 year or more multimodal transportation plan that leads to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods.
- I. **Suburban Counties in the Atlanta Metropolitan Transportation Planning Area** means those counties with all or portions in the Atlanta Metropolitan Transportation Planning Area established pursuant to 23 CFR 450.308(b). The planning area established in 2003 includes portions of nine (9) suburban counties (Barrow, Bartow, Coweta, Forsyth, Hall, Newton, Paulding, Spalding and Walton).
- J. **Suburban County (or MultiCounty) Study** means the studies performed by the Georgia Department of Transportation to develop a 3-C transportation planning process, a public involvement plan and a transportation plan for the suburban counties in the Atlanta region that are potentially candidates for inclusion in the nonattainment area.
- K. **Transportation Improvement Program (TIP)** means the financially balanced, staged, short-term, multi-year intermodal program of transportation projects covering a Metropolitan Transportation Planning Area which is consistent with the Regional Transportation Plan, and developed pursuant to 23 CFR 450.
- L. **Transportation & Air Quality Committee (TAQC)** means the transportation policy committee of the ARC. TAQC serves as the body to develop consensus among the ARC, MARTA and GDOT regarding metropolitan or multi-jurisdictional transportation related policy matters potentially affecting the Area. TAQC shall transmit its recommendations directly to the Commission. TAQC holds regularly scheduled meetings which are open to the public.
- M. **Transportation Coordinating Committee (TCC)** means the transportation technical committee of the ARC. TCC is responsible for providing local government input on planning issues and evaluating information in order to provide technical advice to TAQC. TCC holds regularly scheduled meetings which are open to the public.
- N. **Unified Planning Work Program (UPWP)** means that document developed annually pursuant to 23 CFR 450.314 and adopted by the MPO describing planning activities to be performed in the next fiscal year within the Metropolitan Transportation Planning Area; in sufficient detail to indicate who will perform the work, the schedule for completion, associated budget and the products that it will produce.

SECTION 3: ORGANIZATIONAL ROLES & RESPONSIBILITIES

ATLANTA REGIONAL COMMISSION (ARC), as the MPO, shall be responsible for the following:

- A. 1. Develop and maintain a long range Regional Transportation Plan (RTP), a short range Transportation Improvement Program (TIP) and a Unified Planning Work Program (UPWP) for the Atlanta Metropolitan Transportation Planning Area pursuant to federal requirements.
 - i. Prepare and publish a fiscally balanced 20 year or more multimodal RTP that leads to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The RTP shall conform with new planning goals, objectives, policies, or developments in areas including, but not limited to, subarea and intermodal studies, Intelligent Transportation System (ITS) planning; and bicycle and pedestrian planning.
 - ii. Prepare, publish and maintain a financially balanced multimodal TIP for a three year or more period.
 - iii. Coordinate with Spalding County and Georgia Department of Transportation in the identification of projects eligible for Q23 and Q40 funding sources, the amount of which will be in keeping with the prioritization of needs and regional importance to the Atlanta urbanized area and available to the county on an equitable basis.
 - iv. Prepare, in cooperation with GDOT, MARTA, EPD, local governments and local government transit providers acting through Transportation Coordinating Committee, an annual Unified Planning Work Program (UPWP) to document planning activities to be performed in the next fiscal year, in sufficient detail to indicate who will perform the work, the schedule for completion, associated budget and the products that it will produce.
2. For required technical analysis of RTP and TIP updates and amendments, to demonstrate to USDOT and USEPA that anticipated emissions of pollutant precursors fall below set limits, ARC will:
 - i. Perform the technical analysis to demonstrate conformity of the 13-county Non-attainment Area under the 1-hour standard.
 - ii. Coordinate with GDOT, the Gainesville-Hall County MPO and the suburban counties in the Non-attainment Area under the 8-hour standard, to perform the technical analysis to demonstrate conformity.
 - iii. Coordinate with GDOT and suburban counties, as applicable, to address the issue of conformity in the PM2.5 Non-Attainment Area, once designated.
3. Coordinate the development of plans and programs and related air quality conformity findings with transportation providers, GDOT, EPD, MARTA, citizens, affected parties and local governments.
4. Development of the RTP and TIP for the expanded Atlanta Metropolitan Transportation Planning Area will be as follows:
 - i. For the ten (10) member counties and three of the limited member counties of the ARC (Coweta, Forsyth, and Paulding), ARC will work cooperatively with county staff to develop the RTP and TIP.
 - ii. For five (5) of the Suburban Counties (Barrow, Bartow, Newton, Spalding, Walton), ARC will include in the RTP and TIP, transportation projects as developed by GDOT and the Suburban County through the Suburban County Study process for implementation in the urbanized portion of the suburban county
5. ARC will develop, implement and maintain the Congestion Management System (CMS) for the Atlanta Metropolitan Transportation Planning Area, and ensure, to the extent appropriate, it be part of the metropolitan transportation planning process and that the CMS shall be considered in the development of the RTP and TIP. ARC will coordinate CMS activities with Hall County for the portion of the Atlanta Urbanized Area within Hall County.
6. ARC will revise and publish as necessary the Transportation Public Involvement Plan (TPIP) which documents how the MPO will provide complete information, timely public

notices, full public access to key decisions and support early and continuing involvement of the public in the development of plans and TIPs and the Program-of-Projects. The TPIP must meet the criteria specified in 23 CFR 450.

7. Provide the lead role, through consultation with MARTA as the designated recipient and with other public transit providers, for the public involvement activities related to the Program-of-Projects requirements of the Federal Transit Administration's Urbanized Area Formula Program.
8. With regards to federally-required transportation certifications, ARC will:
 - i. Triennially participate in a leadership role in the Atlanta Transportation Management Area certification review.
 - ii. Annually certify, concurrently with GDOT to FHWA and FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable federal laws.
 - iii. Coordinate and gather input from public transit providers regarding transportation planning process certification issues.
9. Develop, maintain, update and validate regional transportation demand and network models to support the planning process.
10. For transportation planning data, ARC will
 - i. For counties included in the ARC's transportation demand model:
 - a. Develop and maintain base and projected population, housing, employment, economic, vehicle, land use data and special trip generators by traffic zone; and provide information to planning process participants as requested.
 - b. Periodically review traffic zone boundaries and make appropriate recommendations to the Transportation Coordinating Committee (TCC) and cooperate with the GDOT in revision of said boundaries.
 - c. Update and maintain maps showing existing and proposed land use, and make appraisals of actual land use development in comparison with projections.
 - ii. Coordinate with Suburban Counties on the development of data necessary for the transportation planning process.
11. Provide available maps, aerial photographs, charts, records, and directories to the extent possible.
12. For the ten county area, provide technical assistance to local governments as they prepare, update and implement local comprehensive plans as required by the Georgia Planning Act of 1989. ARC will also review comprehensive plans for internal consistency; opportunities for cooperation; conflicts with other local plans; and conflicts with regional plans.
13. Provide other assistance as mutually agreed upon.

B. SPALDING COUNTY, shall be responsible for the following:

1. Participate in the Atlanta Metropolitan Transportation Planning Process, with a voting member on the Transportation Coordinating Committee and the Transportation & Air Quality committee.
2. Participate in the Atlanta Metropolitan Transportation Planning process as described in Section 3. A. 4. The county will develop a county-wide transportation plan, prioritize proposed transportation projects and, through GDOT, submit projects to the ARC. In transportation planning activities, the county will coordinate with municipalities and will include a public outreach element.
3. Participate and provide required input in the development of the annual Unified Planning Work Program (UPWP) to document planning activities to be performed in the next fiscal year, in sufficient detail to indicate who will perform the work, the schedule for completion, associated budget and the products that it will produce.
4. Participate in the triennial certification review of the Atlanta Transportation Management Area.
5. Provide required matching funds for federal transportation funds for any transportation study or project performed by the ARC at the request of the county.

6. Coordinate with ARC and GDOT to develop planning data.
7. Provide other assistance as mutually agreed upon.

C. **GEORGIA DEPARTMENT OF TRANSPORTATION** shall be responsible for the following:

1. Coordinate with Spalding County through the Suburban County Study process to develop a county-wide long range transportation plan which identifies funding and scheduling of projects.
2. Program Spalding County projects using federal transportation funds controlled by GDOT and, in coordination with Spalding County, provide to ARC for inclusion in the RTP and TIP.
3. Coordinate with Spalding County in the identification of projects eligible for Q23 and Q40 funding sources.
4. Assist the County in development of planning data.
5. Provide other assistance as mutually agreed upon.

SECTION 6: COMPLIANCE WITH APPLICABLE LAWS & REGULATIONS

All parties shall comply with all applicable local, state, and federal laws and regulations. Nothing in this MOA alters, or seeks to alter, the existing statutory authority of any party under state or federal law. If any of the provisions of this MOA are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 7: AMENDMENTS & MODIFICATIONS

Any party may request changes to this MOA at any time by written notice to the other party's signatory of this agreement. Such changes as are mutually agreed upon by and between the parties shall be incorporated in written amendments to this MOA executed in the same manner as original MOA approval.

SECTION 8: NOTIFICATION

Any official notifications between the parties to this MOA that would substantially affect the terms or conditions of this MOA shall be directed to the office of the signatories to this agreement.

In witness whereof, the parties hereto have executed this Memorandum of Agreement, this ____ day of April, 2004.

Attest:

Atlanta Regional Commission

Director

Attest:

Spalding County

County Commission Chairman

Attest:

Georgia Department of Transportation

Commissioner

17. Set a date and time for a Commissioners' work session to finalize projects for the 2004 SPLOST. The Board of Commissioners set a date of Thursday, April 29, 2004 at 6:00 P.M. for the SPLOST Workshop.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson gave an updated report on the status of the Public Defender Program. A meeting was held with representatives of Fayette County, Pike County, Spalding County and also Sullivan, Sturdivant and Ogletree with representatives of Georgia Indigent Defense Council. This program does go into effect in July 2004 in Spalding County. Hopefully they will appoint the Public Defender for the

Griffin Judicial Circuit, composed of Fayette, Pike, Spalding and Upson Counties, by the end of June 2004. The office will have to be up and operational by January 1, 2005 with the County providing office space, telephone, utilities, which we are not presently providing. The Public Defender office will be housed in one of our buildings in the Cook's Shopping Center. They anticipate utilizing private attorneys for some of their needs during the first year of operation. We were advised to budget the same amount we did for FY 2004 for FY 2005 as well.

Commissioner Morrow gave his comments on this State unfunded mandate program. He said that once again our State Legislature has handed Spalding County a bill that they are unwilling to help us pay for and the taxpayers of this County are going to have the burden of paying for.

Commissioner Kendall commented that what utterly needs to happen is that the County needs to contract with the Public Defender to handle all of it and let them coordinate with all the lawyers. This is the simplest and most cost effective thing to do. He said this program will work like the D.A. program except the County does not get to appoint the Public Defender. He said in a circuit like Spalding where you have private lawyers to handle indigent defense, the Public Defender would have to coordinate everyone for all the different courts going on. County Manager Wilson commented that the County has asked Fred Roney, the Sixth District Court Administrator, to take a look at a Circuit Public Defender budget and come back to all the counties once a Public Defender is appointed, and divide the cost up among all the counties. Salaries of additional public defenders would be based on population by state law while the operating budget of the Public Defender's office would be based on caseload. Mr. Wilson commented that the one thing he is extremely concerned about is keeping our population down in the jail as he does not feel this system is going to be streamlined enough to keep the population down.

XIII. REPORT OF COMMISSIONERS

Commissioner Morrow commented that this Thursday is the TAQC Meeting in Atlanta.

Commissioner Morrow complimented Mrs. Doane on her minute preparation. He said we had three separate sets of minutes that he read thoroughly and they were all very well done. He said he would like to nominate her for the National Minute Taker Award if there was such an award. He said that this was a very nice job. Mrs. Doane thanked Commissioner Morrow for his compliment.

Commissioner Goss had no comments.

Commissioner Davis gave an updated report with Henry County Water & Sewerage Authority. He said he and Rocky Kenway had their second meeting and met with Lindy Farmer and Ken Phillips, Chairman of the Authority Board. He said they discussed the provision of services into Spalding County for the Heron Bay Development and Mr. Phillips was a little reserved as there were some political questions he had to take back to his Board and the Henry County Board of Commissioners. He said that we may run into a problem with the sewage if they provide any at all as they feel that it is a cost to them and unless they get the water, there could be a problem. They are going to meet with the Water Authority and the Commissioners of Henry County and send us sample contracts that they have with adjoining counties where they provide this type of service. He said he was made aware through their conversations that EPA and EPD were very strongly opposed to land application of sewerage treatment. They wanted it treated with the shortage of water and put back into the system. He said he would bring the Board further information as meetings are held.

Commissioner Kendall stated that he, County Manager Wilson and Jinna Garrison were scheduled to be engaging with the City Staff next week to discuss the reservoir situation. Mr. Kendall stated that he is concerned about what is going to happen to rate payers once the reservoir is on line and the bill comes due.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner Davis, seconded by Commissioner Goss the meeting was unanimously adjourned at 6:48 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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