



Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Monday, September 16, 2002 beginning at 5:45 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale and Johnie McDaniel present. Commissioner Dick Morrow was absent. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine and County Clerk Phyllis Doane.

The meeting was called to order by Chairman Johnie McDaniel.

The purpose of the hearing was to receive comments regarding the establishment of a lighting district within Seven Forks Subdivision Phase II.

There was no one present who wished to make comments.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the public hearing was unanimously adjourned by a vote of 4-0.

County Clerk

Chairman

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EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, September 16, 2002 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 Martha McDaniel, Merrill Massengale, Johnie McDaniel and Michael Kendall present. Commissioner Dick Morrow was absent as he was attending the Chamber of Commerce Fly-In held in Washington, D.C. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

I. OPENING (CALL TO ORDER) – Chairman Johnie McDaniel

II. INVOCATION - Rev. Randy Valimont – Led by Chairman McDaniel in the absence of Rev. Valimont.

III. PLEDGE TO FLAG – Led by Commissioner Massengale.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval “Nunc Pro Tunc” of a Joint City/County Proclamation declaring Wednesday, September 11, 2002 as “A Day of Remembrance on the First Anniversary of the September 11, 2001 Terrorist Attacks on New York City and Washington D.C.”. This Proclamation was read and presented at the September 11th ceremony held at the Courthouse. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Proclamation was unanimously approved by a vote of 4-0.*

Joint Proclamation

BY THE CITY OF GRIFFIN AND SPALDING COUNTY HONORING THE FAMILIES OF THOSE WHO SACRIFICED THEIR LIVES ON SEPTEMBER 11, 2001 AND COMMEMORATING THE FIRST ANNIVERSARY OF THE EVENTS OF THAT DAY

WHEREAS, the United States of America, and all freedom loving peoples, suffered a devastating attack on their collective security on September 11, 2001 as terrorists associated with Osama bin Laden attacked the World Trade Center in New York City, the Pentagon in Washington, and sought to seize an additional jetliner that crashed in rural Pennsylvania; AND

WHEREAS, several thousand lives were extinguished that day due to the deliberate and calculated efforts of these terror cells, including civilians and members of various emergency response organizations; AND

WHEREAS, the people of Griffin-Spalding County community, and in communities across this nation, have stood united against the common threat of terrorism since that day, seeking to eliminate the forces of hatred that fuel senseless attacks such as those of September 11, 2001; AND

WHEREAS, the people of the Griffin-Spalding County community have stood united in our patriotism, and have stood united in defense of our freedoms, while maintaining unity in our faith; AND

WHEREAS, it is vital that we take this opportunity to cherish the memories of those lost, honor the sacrifices of our fellow citizens, as well as reflect on our enduring commitment to the four freedoms -- freedom of speech and expression, freedom to worship God in his or her own way, freedom from want, and freedom from fear; AND

WHEREAS, on behalf of the people of this community we stand united in our commitment to these principles, so that those lost on September 11, 2001 shall not have died in vain.

NOW THEREFORE BE IT PROCLAIMED by the Board of Commissioners of the City of Griffin and the Board of Commissioners of Spalding County, Georgia that both Boards hereby declare Wednesday, September 11, 2002 as

“A DAY OF REMEMBRANCE ON THE FIRST ANNIVERSARY OF THE SEPTEMBER 11, 2001 TERRORIST ATTACKS ON NEW YORK CITY AND WASHINGTON, D.C.”

and encourage all citizens of Griffin and Spalding County to reflect upon the significance of this event in their own lives, as well as honor the memories of those lost in the horrific attacks of that day on this the first anniversary of the terrorist attacks upon New York City and Washington, D.C.

This the 11th day of September 2002.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Two Month Ended August 31, 2002. Ms. Jinna Garrison, Finance Director, was present to answer any questions the Board might have. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Financial Statements were unanimously approved by a vote of 4-0.*

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

1. Mr. Allan McCallum, 2831 Williamson Road, Williamson, GA addressed the Board requesting for a temporary solution for accidents at the Highway 362/Moreland Road/Rover-Zetella Road intersection of lowering the speed limit through the intersection to 45 MPH. County Manager Wilson was instructed to contact Department of Transportation to see if this request is feasible.

VIII. MINUTES

1. Consider approval of the minutes for the Regular Monthly Meeting of September 3, 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the minutes were unanimously approved by a vote of 4-0.*

IX. CONSENT AGENDA

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Items 1-5 on the Consent Agenda were unanimously approved by a vote of 4-0.

1. Consider at second reading an ordinance amending the Spalding County Code to correct wording in reference to weight restrictions in Part VI, Chapter 2, Street Use Regulations.

**A RESOLUTION AMENDING SECTION 4 OF THE CODE OF GENERAL
ORDINANCES OF SPALDING COUNTY
SPECIFICATION FOR DRIVEWAYS
ORDINANCE NO. 2002-08**

AN ORDINANCE

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 by amending Section 6-2004 as follows:

Section 6-2004 of the Spalding County Code by striking sub-paragraph (c) in its entirety, which reads “The weight limitations provided for in sub-section (a) above shall not apply to:” and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) The restrictions provided for in sub-sections (a) and (b) above shall not apply to:”.

Said Section 6-2004 is further amended by striking in its entirety sub-paragraph (d) that reads “The weight limitations provided for in sub-sections (a) and (b) shall not apply to:” and inserting in lieu thereof a new sub-paragraph (d) to read as follows:

“(d) The restrictions provided for in sub-sections (a) and (b) above shall not apply to:”.

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.

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

2. Consider at second reading an ordinance amending the Spalding County Code adding “No Thru Trucks” on Holly Grove Road and Wilson Road.

**SPALDING COUNTY, GEORGIA
STREET USE ORDINANCE
ORDINANCE NO. 2002-10**

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 paragraphs (47 & 48) as follows:

“(47) Holly Grove Road from Futral Road to Green Valley Road.
(48) Wilson Road from Arthur K. Bolton Parkway to Macon Road.”

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.

3. Consider at second reading an ordinance amending the Spalding County Code relative to the Animal Control Ordinance to redefine Animal Control Board.

**ORDINANCE NO. 2002-11
ORDINANCE TO AMEND SECTION XII OF THE CODE OF LAWS
AND ORDINANCES OF SPALDING COUNTY, GEORGIA,
CHAPTER 1, ANIMAL CONTROL**

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:

Section 1. To amend Section 12-1002 by striking in its entirety subparagraph (f) in its entirety and inserting in lieu thereof a new subparagraph (f) to read as follows:

“*Animal Control Board:* The County Manager, or his designee, shall serve as the Animal Control Board for the purposes herein provided.”

Section 2. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia, as prescribed by Section 2-1005 of the Code of Spalding County.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed.

4. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide funding for the rubberized walking track at WTOP.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2003 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2002 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2002, be amended as follows:

Section I. General Fund

A. Revenues

GEFA Grant	From	\$ 0	to	\$ 30,000
Contributions & Donations	From	\$ 0	to	\$ 2,000

B. Expenditures

Parks	From	\$ 1,536,474	to	\$ 1,568,474
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Approved on first reading this 3rd day of September 2002.

Approved, adopted and enacted on second reading this 16th of September 2002.

5. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for funding for the Osteoporosis Grant received for the Senior Center.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2003 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2002 Fiscal Year pursuant to the requirements of Title

36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2002, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance	From	\$ 209,117	to	\$ 210,587
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B. Expenditures

Recreation 538,275	From	\$ 536,805	to	\$
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Approved on first reading this 3rd day of September 2002.

Approved, adopted and enacted on second reading this 16th of September 2002.

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider request from the Middle Georgia Truck Pullers Association for an amplification permit for Friday and Saturday, October 25-26, 2002 between the hours of 6:30 p.m. and 11:00 p.m. for a truck pull. The truck pull will be conducted at 4277 North Expressway. Mr. Greg Fowler was present to answer any questions the Board might have.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the request for amplification permit was unanimously approved by a vote of 4-0.

2. Consider approval of a street lighting district for Seven Forks Subdivision, Phase II. This will consist of 14 150-watt decorative lighting fixtures at a total cost of \$156.50 per month or \$1878 per year. The annual cost per parcel would be \$44.72.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the street lighting district for Seven Forks Subdivision, Phase II was unanimously approved by a vote of 4-0.

3. Consider Resolution Authorizing Issuance of Spalding County Tax Anticipation Notes, Series 2002. *Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the following Resolution was unanimously approved by a vote of 4-0.*

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA, AUTHORIZING THE ISSUANCE OF \$4,500,000 IN PRINCIPAL AMOUNT SPALDING COUNTY TAX ANTICIPATION NOTES, SERIES 2002; AUTHORIZING THE SALE OF SUCH NOTES AND THE EXECUTION OF ALL DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; AUTHORIZING THE FORM OF SUCH NOTES AND OTHER DETAILS IN CONNECTION THEREWITH; REPEALING ANY CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, Spalding County (the "County") is a duly created and validly existing political subdivision of the State of Georgia, and the Board of Commissioners of Spalding County is the governing authority of the County; and

WHEREAS, Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 (the "Constitution") authorizes the governing authority of any county to incur debt by obtaining temporary loans in each year to pay expenses provided that (i) the aggregate amount of all such loans shall not exceed 75% of the total gross income from taxes collected in the last preceding year, (ii) such loans shall be payable on or before December 31 of the calendar year in which such loan is made; (ii) no such loan may be obtained when there is a temporary loan then unpaid which was obtained in any prior year; and (iv) no county shall incur in any one calendar year an aggregate amount of such temporary loans or other contracts, notes, warrants or obligations for current expenses in excess of the total anticipated revenue for the calendar year during which such notes are issued; and

WHEREAS, the County proposes to obtain a temporary loan to pay its expenses for calendar year 2002, and to evidence its loan by the issuance pursuant to this resolution of its \$4,500,000 in principal amount Spalding County Tax Anticipation Notes, Series 2002 (the "Notes") on the terms set forth herein; and

WHEREAS, the Board of Commissioners of the County has determined, and does hereby declare, that the issuance of the Notes complies with the requirements of Article IX, Section V, Paragraph V of the Constitution; and

WHEREAS, all the conditions and requirements of the Constitution and laws of the State of Georgia have been complied with in connection with the issuance of the Notes and no debt limitation or other limitation prohibits the borrowing of the sum of \$4,500,000 or any portion thereof; and

WHEREAS, the Board of Commissioners of the County has received the offer of Wachovia Bank, National Association to purchase the Notes at a purchase price of par;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Spalding County, and IT IS HEREBY RESOLVED by authority of the same as follows:

Section 1. Findings. The Board of Commissioners of the County does hereby determine, find and declare as follows:

(a) the aggregate amount of the Notes, together with the aggregate amount of all temporary loans authorized pursuant to Article IX, Section V, Paragraph V of the Constitution, does not and shall not exceed 75% of the total gross income from taxes collected in the County in 2001;

(b) the Notes shall be payable on December 31, 2002, which is on or before December 31 of the calendar year in which the Notes are issued;

(c) no temporary loan or loans obtained pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia in any prior year remain unpaid as of the date hereof;

(d) the aggregate amount of the Notes, together with the aggregate amount of all temporary loans incurred pursuant to Article IX, Section V, Paragraph V of the Constitution or other contracts, notes, warrants or obligations for current expenses, is not in excess of the total anticipated revenue of the County from ad valorem taxes for 2002; and

(e) the principal and interest on the Notes shall be payable from the taxes levied for the General Fund of the County in anticipation of which the Notes are issued.

Section 2. Authorization of Notes. For the purpose of providing funds for the payment of the current expenses of the County for 2002, there is hereby authorized to be issued by the County notes in the principal amount of \$4,500,000 which shall be designated "Spalding County Tax Anticipation Notes, Series 2002" (the "Notes"). The Notes shall be registered in the name of Wachovia Bank, National Association, the purchaser thereof (the "Purchaser"), and shall be dated the date of issuance thereof and shall bear interest from such date at the rate of 2.0% per annum, computed on the basis of a 360-day year comprised of twelve 30-day months.

The Notes shall be payable as to principal and interest by wire transfer upon surrender of the Notes to the persons who are registered owners on December 15, 2002 and shall be payable as to principal and interest in lawful money of the United States of America; shall be issued in \$100,000 denominations, or any integral multiple of

\$5,000 in excess thereof; shall be numbered R-1 upward; and shall mature and interest shall be payable on December 31, 2002. The Notes shall be issued in the form of fully registered notes. The Notes shall be executed by the manual or facsimile signature of the Chairman and by the manual or facsimile signature of the Clerk, and the corporate seal of the County shall be impressed or imprinted thereon. In case any officer whose signature shall be affixed to the Notes or who shall have sealed any of the Notes shall cease to be such officer before the Notes so signed and sealed shall have been actually delivered, the Notes, nevertheless, shall be valid Notes of the County and may be delivered as such notwithstanding the fact that such officer or officers may have ceased to be such officer or officers of the County when the Notes shall be actually delivered.

Notwithstanding the foregoing, if the Notes are issued in Book-Entry Form, the Notes shall be payable as provided in Section 14 hereof.

Section 3. Approval of Form of Notes. The Notes shall be in substantially the form attached to this Resolution as Exhibit "A" with such changes, insertions or omissions as may be approved by the officers of the Board of Commissioners of the County executing the Notes, and the execution of the Notes by such officers of the Board of Commissioners of the County as hereby authorized shall be conclusive evidence of any such approval.

Section 4. Redemption. The Notes shall not be subject to redemption prior to maturity.

Section 5. Designation of Paying Agent. The County Finance Director is hereby designated as Paying Agent, Note Registrar and Authenticating Agent with respect to the Notes.

Section 6. Execution of Notes. The Notes shall be executed on behalf of the County with the manual signature of the Chairman or Vice Chairman of the Board of Commissioners of the County and the official seal of the Board of Commissioners of the County shall be affixed to the Notes and attested by the manual signature of the Clerk or Assistant Clerk of the Board of Commissioners of the County.

Section 7. Authentication of Notes. Only such Notes as shall have endorsed thereon a certificate of authentication substantially in the form hereinabove set forth duly executed by the Note Registrar shall be deemed to be validly issued hereunder. No Notes shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been executed by the Note Registrar, and such executed certificate of the Note Registrar upon any such Note shall be conclusive evidence that such Note has been authenticated and delivered hereunder. Said certificate of authentication on any Note shall be deemed to have been executed by the Note Registrar, but it shall not be necessary that the same authorized signatory sign the certificate of authentication on all of the Notes.

Section 8. Transfer and Exchange of Notes. The Note Registrar shall cause to be kept books for the registration of transfer of the Notes. Notes may be registered as transferred on the books of registration by the registered owner thereof in person or by his duly authorized attorney, upon surrender thereof, together with a written instrument of transfer executed by the owner or his duly authorized attorney. Upon surrender for registration of transfer of any Note at the principal corporate office of the Note Registrar, the County shall execute, and the Note Registrar shall authenticate and deliver in the name of the transferee or transferees, a new Note or Notes of the same aggregate principal amount and tenor and of any authorized denomination or denominations, numbered consecutively in order of issuance according to the records of the Note Registrar.

The Notes may be exchanged at the principal corporate office of the Note Registrar for an equal aggregate principal amount of Notes of the same aggregate principal amount and tenor and of any authorized denomination or denominations. The County shall execute, and the Note Registrar shall authenticate and deliver, Notes which the owner of Notes making such exchange is entitled to receive, bearing numbers not contemporaneously then outstanding.

Such transfers of registration or exchanges of Notes shall be without charge to the owner of such Notes, but any tax or other governmental charge required to be paid with respect to the same shall be paid by the owner of the Note requesting such transfer or exchange as a condition precedent to the exercise of such privilege.

All Notes surrendered upon any transfer provided for in this resolution shall be promptly cancelled by the Note Registrar and shall not be reissued. Upon request of the County a certificate evidencing such cancellation shall be furnished by the Note Registrar to the County.

Notwithstanding the foregoing, if the Notes are issued in Book-Entry Form, the Notes shall be transferred and exchanged as provided in Section 14 hereof.

Section 9. Registered Owners. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of either principal or interest shall be made only to or upon the order of the registered owner thereof or his duly authorized attorney, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Section 10. Mutilated or Destroyed Notes. In case any Note shall become mutilated or be destroyed or lost, the County may cause to be executed, authenticated and delivered a new Note of like date and tenor in exchange or substitution for any such Note upon, in the case of a mutilated Note, surrender of such Note, or in the case of destroyed or lost Note, the owners filing with the County and the Note Registrar evidence satisfactory to them that such Note was destroyed or lost and providing

indemnity satisfactory to them. If any such Note shall have matured, instead of issuing a new Note, the County may pay the same.

Section 11. Use of Proceeds of Notes. The proceeds derived from the issuance, delivery and sale of the Notes shall be paid over to the Board of Commissioners of the County and shall be deposited in and become part of the general funds of the County and shall be used and applied toward the payment of the current expenses of the County in the year 2002.

Section 12. Filing of Information Reporting Return. Any officer of the Board of Commissioners of the County is hereby authorized to execute on behalf of the County an information return for tax exempt governmental bond issues in such form as may be prescribed by the Department of Treasury or the Internal Revenue Service in order to comply with the provisions of the Code. Any officer of the Board of Commissioners of the County is hereby authorized to execute a non-arbitrage certification in order to comply with Section 148 of the Code and applicable Treasury Regulations thereunder.

Section 13. Tax Covenants and Representations. The Notes are being issued by the County in compliance with the conditions necessary for the interest income on the Notes to be excludable from gross income for federal income taxation pursuant to the provisions of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). It is the intention of the County that the interest on the Notes be and remain excludable from gross income for federal income tax purposes, and, to that end, the County hereby covenants with the holders of the Notes, as follows:

(a) It will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the tax-exempt status of the interest on the Notes under Section 103 of the Code.

(b) It will not directly or indirectly use or permit the use of any proceeds of the Notes or any other funds of the County or take or omit to take any action in a way that would cause the Notes to be (i) "private activity bonds" within the meaning of Section 141 of the Code, (ii) obligations which are "federally guaranteed" within the meaning of Section 149 of the Code or (iii) "hedge bonds" within the meaning of Section 149 of the Code. Without limiting the foregoing, the County will not allow 10% or more of the proceeds of the Notes to be used in the trade or business of any private business and will not loan 5% or more of the proceeds of the Notes to any nongovernmental units.

(c) It will not directly or indirectly use or permit the use of any proceeds of the Notes or any other funds of the County or take or omit to take any action that would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code. To that end, the County will comply with all requirements of Section 148 of the Code to the extent applicable to the Notes.

Section 14. Global Form; Securities Depository; Ownership of Notes.

(a) Upon the initial issuance, the ownership of each Note shall be registered in the name of the Securities Depository or the Securities Depository Nominee, and ownership thereof shall be maintained in Book-Entry Form by the Securities Depository for the account of the Agent Members thereof. Initially, each Note shall be registered in the name of Cede & Co., as the nominee of The Depository Trust Company. Beneficial Owners will not receive Notes from the Paying Agent evidencing their ownership interests. Except as provided in subsection (c) of this Section 14, the Notes may be transferred, in whole but not in part, only to the Securities Depository or the Securities Depository Nominee, or to a successor Securities Depository selected or approved by the County or to a nominee of such successor Securities Depository.

(b) With respect to Notes registered in the name of the Securities Depository or the Securities Depository Nominee, the County, the Paying Agent, the Note Registrar and the Authenticating Agent shall have no responsibility or obligation to any Agent Member or Beneficial Owner. Without limiting the foregoing, neither the County, the Paying Agent, the Note Registrar, the Authenticating Agent nor their respective affiliates shall have any responsibility or obligation with respect to:

(i) the accuracy of the records of the Securities Depository, the Securities Depository Nominee or any Agent Member with respect to any beneficial ownership interest in the Notes;

(ii) the delivery to any Agent Member, any Beneficial Owner or any other person, other than the Securities Depository or the Securities Depository Nominee, of any notice with respect to the Notes; or

(iii) the payment to any Agent Member, any Beneficial Owner or any other person, other than the Securities Depository or the Securities Depository Nominee, of any amount with respect to the principal or interest on the Notes.

So long as the Notes are registered in Book-Entry Form, the County, the Paying Agent, the Note Registrar and the Authenticating Agent may treat the Securities Depository as, and deem the Securities Depository to be, the absolute owner of such Notes for all purposes whatsoever, including without limitation:

(i) the payment of principal of and interest on such Notes;

(ii) giving notices of redemption (if applicable) and other matters with respect to such Notes;

(iii) registering transfers with respect to such Notes; and

(iv) the selection of Notes (if applicable) for redemption.

So long as the Notes are registered in Book-Entry Form, the Paying Agent shall pay all principal of and interest on the Notes only to the Securities Depository or the Securities Depository Nominee as shown in the bond register, and all such payments shall be valid and effective to fully discharge the County's obligations with respect to payment of principal of and interest on the Notes to the extent so paid.

(c) If at any time (i) the County determines that the Securities Depository is incapable of discharging its responsibilities described herein, (ii) if the Securities Depository notifies the County that it is unwilling or unable to continue as Securities Depository with respect to the Notes, or (iii) if the Securities Depository shall no longer be registered or in good standing under the Securities Exchange Act of 1934 or other applicable statute or regulation and a successor Securities Depository is not appointed by the County within 90 days after the County receives notice or becomes aware of such condition, as the case may be, then this Section 14 shall no longer be applicable and the County shall execute and the Note Registrar and Authenticating Agent shall authenticate and deliver notes representing the Notes to the owners of the Notes. Notes issued pursuant to this subsection (c) shall be registered in such names and authorized denominations as the Securities Depository, pursuant to instructions from the Agent Member or otherwise, shall instruct the Note Registrar. Upon exchange, the Note Registrar shall deliver such notes representing the Notes to the persons in whose names such Notes are so registered on the business day immediately preceding the date of such exchange.

(d) For purposes of this Resolution, the following terms shall have the meanings set forth below:

“Agent Member” means a member of, or participant in, the Securities Depository.

“Beneficial Owner” means the owners of a beneficial interest in the Notes registered in Book-Entry Form.

“Book-Entry Form” or “Book-Entry System” means, with respect to the Notes, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Notes may be transferred only through book-entry and (ii) physical Notes in fully registered form are registered only in the name of a Securities Depository or its nominee as holder, with physical Notes in the custody of a Securities Depository.

“Securities Depository” means any securities depository that is a “clearing corporation” within the meaning of the New York Uniform Commercial Code and a “clearing agency” registered pursuant to provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its participants or otherwise, a Book-Entry System to record ownership of beneficial interest in bonds and bond service charges, and to effect transfers of bonds in Book-Entry Form, and means, initially, The Depository Trust Company (a limited purpose trust company), New York, New York.

“Securities Depository Nominee” means any nominee of a Securities Depository and shall initially mean Cede and Co., New York, New York, as nominee of The Depository Trust Company.

Section 15. Sale of Notes. The sale of the Notes to the Purchaser for \$4,500,000 is hereby approved.

Section 15. General Authorization. The proper officers, agents and employees of the County or the Board of Commissioners of the County are hereby authorized, empowered and directed to do all such acts and things and to execute any and all such documents and certificates as may be necessary to carry out and comply with the provisions of the Notes and are further authorized to take any and all further action and to execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Notes.

The Chairman or Vice Chairman and Clerk or Assistant Clerk of the Board of Commissioners are hereby authorized and directed to prepare and furnish to the purchaser of the Notes certified copies of all the proceedings and records of the County relating to the Notes and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Notes as such facts appear from the books and records in such officers’ custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the County as to the truth of the statements contained therein.

Section 16. Ratification. All acts and doings of the officers of the County or the Board of Commissioners of the County which are in conformity with the purposes and intents of this Resolution and in furtherance of the issuance of the Notes and the sale of the Notes as herein authorized shall be, and the same hereby are, in all respects approved and confirmed.

Section 17. Conflicting Resolutions. All resolutions or parts of resolutions which are in conflict with this Resolution are hereby repealed.

Section 18. Effective Date. This Resolution shall take effect immediately upon its adoption.

CLERK’S CERTIFICATE

I, Phyllis P. Doane, Clerk of the Board of Commissioners of Spalding County, Georgia, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution duly adopted by the Board of Commissioners of Spalding County at a meeting which was duly called and assembled on the 16th day of September, 2002, and that the original of such resolution has been duly recorded in the Minute Book of the Board of Commissioners which is in my custody and control.

Witness my hand and the official seal of the Board of Commissioners of Spalding County, Georgia this 16th day of September, 2002.

(L.S.) Phyllis P. Doane
Clerk, Board of Commissioners
of Spalding County

4. Consider bids for pavilions at Wyomia Tyus Olympic Park. *Motion made by Commissioner Martha McDaniel to accept low bid of Stanfield Erection Co in the amount of \$52,663 for two (2) picnic pavilions. Amount budgeted \$60,000. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0. Reference Contract #2002-09-16(A).*

5. Consider proposal of Manley Acquisition Services, LLC for right of way acquisition for the College Street/Macon Road Improvements Project. The proposal is for \$5,600 plus expenses for the project. Any additional services performed would be at the rate of \$50.00 per hour.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the proposal was unanimously approved by a vote of 4-0.

6. Consider Telecommunications Management Services Agreement with Georgia Municipal Association (GMA). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Agreement was unanimously approved by a vote of 4-0.*

**AGREEMENT BETWEEN
SPALDING COUNTY
AND
THE GEORGIA MUNICIPAL ASSOCIATION, INC.
FOR TELECOMMUNICATIONS MANAGEMENT SERVICES**

WHEREAS, Spalding County ("County") desires to provide regulation and oversight of cable television and other telecommunications services being provided to the citizens of the County;

WHEREAS, the Georgia Municipal Association ("GMA") has available a telecommunications management service; and,

WHEREAS, the County has a need for such telecommunications management services.

THEREFORE, THE COUNTY AND GMA AGREE AS FOLLOWS:

Section 1. Services Provided to Spalding County

GMA agrees to provide, either directly or through its agents or subcontractors, the

following services (all of which are explained more fully below) which are to be known as GMA Telecommunications Management Service:

- a) Franchise Management, as more fully described in Section 2 of this agreement;
- b) Franchise Renewal Services, as more fully described in Section 3 of this agreement;
- c) Cellular Tower and PCS Tower Site Consultation Services, as more fully described in Section 4 of this agreement;
- d) Franchise Compliance Monitoring Services as more fully described in section 5 of this agreement.

Section 2. Franchise Management

Franchise Management shall include assisting the County with the following:

- a) Facilitating the County's compliance with the 1984 and 1992 Federal Cable Acts, the Telecommunications Act of 1996 and the rules of the FCC governing rate regulation and other matters affecting municipal regulation of cable TV operators.
- b) Regulating cable rates for basic service, equipment and installation, and performing rate analysis to determine compliance with the Federal Communications Commission ("FCC") rate regulations.
- c) Evaluating and responding to requests for approval of franchise transfers.
- d) Recommending and developing customer service standards for cable TV operators.

Section 3. Franchising and Franchise Renewal Service

Franchising and Franchise Renewal Service shall include assisting the County as needed with the following:

- a) Implementing and administering a procedural process for granting new franchises, as well as assessing the public's interest and negotiating the terms and provisions for new franchises.
- b) Evaluating the past performance of companies seeking franchise renewal.
- c) Determining the future cable-related needs and interests of the County in the development and implementation of a community needs assessment.
- d) Assisting with Public Educational and Government Channel (PEG) development and implementation issues.

- e) Planning for the development of an Institutional Network.
- f) Assisting with public rights-of-way management.
- g) Negotiating a new or renewal franchise agreement on behalf of the County.

Section 4. Cellular and PCS Tower Site Consultation Services

Cellular and PCS and Tower Site Consultation Services shall include:

- a) Assisting in the examination of the impact of cellular and PCS technologies on local zoning.
- b) Advising Counties on the provisions of tower site agreements for the use of public land.
- c) Informing Counties concerning federal policies related to siting of wireless technologies.
- d) Referring Counties to engineering or other professional resources on an as needed basis.

XII. Section 5. Franchise Compliance Monitoring Services

Franchise compliance monitoring services shall include systematically reviewing the cable operator's compliance with the terms of certain aspects of a renewed franchise agreement to encompass the following:

- a) Documenting receipt of revenue report forms.
- b) Advising government concerning conducting the local performance review of operator's performance in compliance with provisions of the franchise agreement.
- c) Reviewing funding or other issues related to the government channel, tower rental fees or pole agreement fees if applicable,
- d) Documenting operator's carriage of appropriate insurance coverage.
- e) Checking and documenting the status of system construction timeframes.
- f) Handling and resolving subscriber complaints as referred.
- g) Monitoring operator's adherence to federal customer service standards.
- h) Notifying Counties of any identified areas of noncompliance and resolution of same or notification that the operator was found to be in compliance.

Section 6. Other Services

In addition to the services outlined above, the County may obtain franchise fee auditing and technical performance auditing of a cable operator or telecommunications company and technical assistance in the development of public, educational and governmental access channels and institutional networks as well as engineering consulting services concerning cellular tower siting. These other services may be obtained from GMA, its agents, employees or subcontractors. The parties to the agreement may execute an addendum or addenda to this agreement for the County to obtain such services; provided, however, the additional fee for each such additional service shall not exceed \$10,000.

Section 7. Effective Date, Renewal and Termination.

- a) This agreement shall become effective upon the signature by the parties
- b) This Agreement shall terminate absolutely and without further obligation on the part of the County at the close of the Calendar year in which it was executed and at the close of each succeeding Calendar year for which it may be renewed as provided for herein. For purposes of this agreement, a Calendar year shall mean September 1, 2002 through August 31, 2003.
- c) This Agreement shall commence as of September 16, 2002. It shall be automatically renewed for successive one-year terms thereafter, unless terminated by either GMA or the County by giving 30 days advance written notice of such termination to the other party. GMA shall be entitled to payment for services rendered to the County, including compensation due for additional services reasonably substantiated by GMA as of the effective date of termination.
- d) The total obligation of the County under this Agreement for the Calendar year of execution shall initially be \$10,000. The total obligation of the County which will be incurred in each Calendar year renewal term shall be reflected in an annual invoice to be submitted to the County thirty (30) days prior to the due date. The invoice shall state the total amount of obligation for the upcoming year exclusive of amounts for any Other Services as the County may elect to obtain through the provisions of Section 6 of this agreement. The rendering of services by GMA or its subcontractors to the County after any renewal of this Agreement for such services shall result in additional obligations for the County.

Section 8. Hold Harmless and Indemnification.

Each party shall bear the responsibility for liability for negligence, errors or omissions of its own officers, agents, employees or subcontractors in carrying out this agreement. The County holds harmless GMA for liability for the negligence of the County, its officers, agents, employees, or subcontractors arising out of this agreement. GMA holds harmless the County for the negligence of GMA, its officers, agents, employees, or subcontractors arising out of this agreement. In addition, the County designates GMA, its officers, agents, employees, and contractors as agents of the County for purposes of Section 635A of the Communications Act of 1934, as amended, and the applicable provisions of the Local

Government Antitrust Act of 1984.

Section 9. Amendments.

This contract may be amended by future written agreements executed on behalf of the County and GMA.

Section 10. Law Applicable.

This agreement shall be construed under the laws of the State of Georgia.

EXECUTED ON BEHALF OF THE COUNTY OF SPALDING THIS 16TH DAY OF SEPTEMBER, 2002.

ATTEST:

Chairman: (L.S.) Johnie A. McDaniel
Spalding County

By: (L.S.) Phyllis P. Doane
County Clerk
GEORGIA

EXECUTED ON BEHALF OF THE
MUNICIPAL ASSOCIATION, INC.

By _____
Executive Director

A RESOLUTION OF SPALDING COUNTY THROUGH THE COMMISSION TO AUTHORIZE THE CHAIRMAN OF SAID COUNTY TO EXECUTE A TELECOMMUNICATIONS MANAGEMENT SERVICE AGREEMENT

WHEREAS, Spalding County desires to regulate the provision of cable television and other telecommunications services so as to assure that the citizens of said County receive quality service;

WHEREAS, the Georgia Municipal Association has available a telecommunications management service to assist the County in such regulation;

NOW THEREFORE BE IT RESOLVED, that the Chairman Spalding County is hereby authorized to execute a telecommunications management service agreement on behalf of the County, in substantially the same form as Appendix A which is attached to and made a part of this resolution.

RESOLVED by the Chairman and Commission of Spalding County this the 16th day of September 2002.

ATTEST:

By: (L.S.) Phyllis P. Doane
County Clerk

Chairman: (L.S.) Johnie A. McDaniel
Spalding County

7. Consider proposal for forestry services for Shoal Creek C&D Landfill property. The proposal is from Joel Vinson & Associates, Inc. with fee of 10% of the sale amount. *Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel proposal was unanimously approved by a vote of 4-0.*

8. Consider Supplemental Agreement No. 2 from HDR/WL Jorden for the SR-16 Arthur K. Bolton Parkway Project. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Supplemental Agreement No. 2 in the amount of \$56,933 was unanimously approved by a vote of 4-0.*

9. Consider Contract with Department of Human Resources, Division of Family and Children Services, for the CSBG Grant for FY 2003 (October 1, 2002-September 30, 2003) in the amount of \$173,711. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale contract for FFY 2003 was unanimously approved by a vote of 4-0.*

10. Consider setting a public hearing date to establish street lighting district for Raventree Subdivision. *Motion made by Commissioner Martha McDaniel to set a date and time of Monday, October 21, 2002 at 4:45 PM. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0.*

11. Consider the rescheduling of the November and December Zoning Public Hearings due to Thanksgiving and Christmas holidays. Staff recommended that the date for the November meeting to be Thursday, November 21, 2002 at 6:00 PM and date for the December meeting to be held on Monday, December 16, 2002 at 6:00 PM after the regular scheduled meeting to be changed to 5:00 PM. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Massengale to reschedule as staff recommendation and unanimously approved by a vote of 4-0.*

XIII. REPORT OF COUNTY MANAGER

County Manager Wilson reminded the Board that the Joint Meeting with the City of Griffin regarding LOST renegotiations would be held Monday, September 23, 2002 at 5:00 PM in the Annex Meeting Room.

County Manager Wilson announced that Comprehensive Plan Public Hearings would be held October 15, 2002 in Sunny Side and October 17, 2002 in Orchard Hill at 7:00 PM.

County Manager Wilson commented that bids for the Birdie Road Traffic Signal Project would be due October 10, 2002 and bids would be placed on the October 21st agenda for consideration. We have received a DOT contract for this project in the amount of approximately \$100,000.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Massengale commented that the gas line people were already moving the gas lines on Birdie Road and Highway 19/41 and this is a bigger project that he anticipated.

Commissioner Martha McDaniel had no comments.

Commissioner Johnie McDaniel commented that Mrs. Dianne Massengale was doing well after surgery last week and glad to see Mr. Massengale back with us in "full swing".

Commissioner Johnie McDaniel announced that he and Commissioner Morrow, both, will be out of town on Wednesday for the public hearings and he has asked Commissioner Kendall to preside over these two (2) public hearings. He asked the other three (3) commissioners to be present in order to have a quorum to conduct the public hearings and to help Mr. Kendall handle these in their absences.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Board voted unanimously to go into a Closed Meeting.

XIV. CLOSED MEETING

1. The County Attorney desires a Closed Session to discuss pending and potential litigation.
2. The County Manager desires a Closed Meeting to discuss personnel matters.

Those present were all Commissioners Merrill Massengale, Johnie McDaniel, Martha McDaniel and Michael Kendall, County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding 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 Spalding County Board of Commissioners met in a duly advertised meeting on September 16, 2002.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 6:30 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:

Yes 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);

No 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)_____;

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Yes 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);

No Other (describe the exemption to the open meetings law):

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

This the 16th day of September 2002.

Sworn to and subscribed
Before me this 16th day of

Spalding County Board of Commissioners

Johnie A. McDaniel

September 2002.
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

H. Merrill Massengale
Martha W. McDaniel
M. Michael Kendall

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the Board voted unanimously to come out of Closed Session and go back into Open Session.

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the meeting was unanimously adjourned at 6:50 PM.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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