



**After Agenda
Board of Commissioners
Special Called Meeting
December 22, 2022
10:00 AM
Room 108, Annex Building**

The Spalding County Board of Commissioners held a Special Called Emergency Meeting on Thursday, December 22, 2022, in Room 108 of the Spalding County Annex Building, beginning at 10:00 a.m. with Chairman Clay Davis presiding. Commissioners James Dutton, Gwen Flowers-Taylor and Ryan Bowlden were present for the meeting. Commissioner Rita Johnson joined the meeting at 10:05 a.m. by phone. Also present were County Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham and County Clerk, Kathy Gibson to record the minutes.

I. OPENING (CALL TO ORDER)

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

Chairman Davis then advised that this emergency meeting was called for the purpose of discussion regarding the proposed LOST distribution settlement as voted on by the Board of Commissioners for the City of Griffin at its meeting Wednesday afternoon, December 21, 2022 at 4:00 p.m. The Open Meetings Law allows for emergency meetings to be called with less than 24 hours' notice to the public and the media. The reason for the shortened notice must be included in the minutes of the meeting.

The agenda as published and done so in haste due to the late hour in determining the availability of a quorum, did not include an action item regarding LOST. We will be rectifying that by an amendment to the agenda momentarily.

The emergent nature of this meeting is due to (1) a lack of time to complete these negotiations, given our deadline of December 30 to present to the Georgia Department of Revenue for approval, (2) the Christmas holiday where commissioners are traveling and unavailable and County offices are closed, and (3) the information provided to us by the Georgia Department of Revenue that they will have no employees in office December 28, 29 and 30.

I will entertain a motion to amend the agenda to change Item V. to Old Business and add two items to the agenda:

1. Discussion and potential vote to accept or deny the offer by the City of Griffin to maintain the existing LOST distribution for the next 10 years.
2. Discussion and potential vote on proposed LOST distribution.

This will move Adjournment to Item VI.

Motion/Second by Dutton/Flowers-Taylor to amend the agenda as presented by Chairman Davis. Motion carried unanimously by all

II. INVOCATION

Commissioner James Dutton, District 2, delivered the Invocation.

III. PLEDGE TO FLAG

Commissioner Ryan Bowlden, District 4, led the Pledge to the Flag.

IV. AGENDA ITEMS

1. Consider request to conduct an Executive Session for 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).

Motion/Second by Dutton/Bowlden to enter into an Executive Session for 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) at 10:03 a.m. Motion carried unanimously by all.

Motion/Second by Dutton/Flowers-Taylor to close the Executive Session at 10:45 a.m. Motion carried unanimously by all.

V. OLD BUSINESS

1. Discussion and potential vote to accept or deny offer by the City of Griffin to maintain the existing LOST distribution for the next ten (10) years.

Motion/Second by Flowers-Taylor/Bowlden to reject the offer from the City of Griffin to maintain the LOST distribution at 40.5% for the City and 59.5% for the County for the next ten (10) years.

Commissioner Flowers-Taylor then stated that she would like to make a few comments:

First, I would like for all our community to know, no one here has ever nor is now "giggling" over the situation in which we currently find ourselves. We should ALL be working toward a position for what is "BEST" for our community in regard to the LOST distribution.

Second, we are not relying solely on the numbers from our County Manager, the consultant we hired, or from members of our community like Chuck Copeland who offered his assessment of the numbers both at a townhall meeting and in writing. Rather, you elected us to represent you and that's

exactly what we're doing. The commissioners up here, me and Commissioner Johnson, attended the training like our staff did for LOST renegotiation. We've done our own homework. We've looked at the numbers and we are confident that the offer we made Monday evening represents the best and final offer the county is willing to make. An offer that is equitable for all of us. It is not in favor of the County, nor is it in favor of the City. It's a number that is best for our entire community.

Finally, I take exception to comments made about one side taking care of employees pay over another. We all have the same challenges of paying an equitable wage for the hard work our employees do day in and day out. And we're all struggling to pay our bills. I can't speak for anyone but me, I live in the City. I don't want my City taxes going up, nor do I want my County taxes going up. I do realize however that if we're going to partner, and I do believe there's still a chance for us to truly partner that both the City and the County need to realize that there's a need for us to re-look at the distribution allocation and ensure that we take our emotions out of it and just look at meeting half way for the distribution and that's exactly what the County has done.

The numbers are subjective and yes, our initial numbers were high in favor of the County and the City's numbers were high in favor of the City. The County recognizes the subjectivity of the numbers and we've moved from our original numbers to the middle and isn't that what you're supposed to do in negotiations? Negotiation is about moving; the City hasn't moved. They want things to stay the same. We're just not going to be able to stay there, nor do we think that's the right thing to do for our community.

Motion carried unanimously by all.

2. Discussion and potential vote on proposed LOST distribution.

Motion/Second by Dutton/Flowers-Taylor to reoffer to the City the exact amounts that were offered at the meeting Monday night as the best and final offer to the City and approve the Chairman to sign the Certificate of Distribution should the City agree to the distribution.

Commissioner Dutton stated there was some discussion surrounding how the Department of Revenue viewed the offer, he asked Dr. Ledbetter if he could clarify this for everyone?

Dr. Ledbetter then advised that he had talked with two individuals at the Department of Revenue. Mr. Hill, a supervisor at the Department of Revenue and he exchanged emails this morning over the distribution as presented in our offer on Monday evening. Mr. Hill advised that a graduated distribution is permissible and allowed under DOR rules, there is nothing in the code to prevent us from using the percentages of allocation as presented to the DOR for review this morning. The comment by Mr. Hill was that "as long as the distribution allocation equals 100% each year, we are allowed to make changes to the allocation as it stands in the draft Certificate of Distribution.

Motion carried unanimously by all.

Chairman Davis then asked if Dr. Ledbetter had a comment regarding the weather?

Dr. Ledbetter stated that the weather coming in this weekend is going to be extraordinarily cold. The latest briefing, we have received indicated we can see temperatures on Friday, Saturday and Sunday nights between 16 and 11 degrees. If you see anyone out that may be homeless, we encourage you to help them to find a warming station. Also, if you have pets, please make sure they are warm, so we don't lose any pets this weekend. He then asked Chief Deputy Sheriff Tony Thomason to speak.

Chief Deputy Thomason stated that if the Sheriff's Deputies encounter people in need, they will make an offer to transport them to the designated warming stations. The Sheriff's Office will be working with the City to provide additional patrols and they are making an effort today to notify any homeless camps that these warming stations are available.

VI. ADJOURNMENT

Motion/Second by Flowers-Taylor/Dutton to adjourn the meeting at 10:55 a.m. Motion carried unanimously by all.