

Lamar County Commissioners
December 17th, 2010
11:00 a.m.

The Lamar County Board of Commissioners in and for the County of Lamar, State of Georgia, held a Special Called Commissioners meeting on Friday, December 17th, 2010 at 11:00 a.m. Present for the meeting were Vice-Chairman Bennie Horton, Commissioner George R. Brown, Commissioner Jimmy Hearn, and Commissioner Nancy M. Thrash. The meeting was called to order by Vice-Chairman Bennie Horton.

The pledge of allegiance was said by everyone.

The invocation was said by Commissioner Nancy Thrash.

Vice-Chairman Horton opened the meeting for discussion.

Commissioner Thrash called the meeting and started by saying thank you to Wayne and Jennifer on the budget. Historically in the county what has happened because the budget has not been addressed periodically deficits have rolled over. Commissioner Thrash has concerns with the judicial budget being \$20,000 over the budget. These concerns include not wanting to continue the process and knowing where the money is coming from. Administrator Patterson assured her that Jennifer is working with department heads with the line item transfers. Commissioner Thrash let it be known that we are falling into that historical pattern and she is not going to be part of continuing the process.

County Administrator Wayne Patterson stated that in June they started the monthly workshops looking for cuts. His statement to the commissioners regarding the budget issues were "In September you cut the budget \$500,000 dollars and then you cut it another \$60,000 dollars and that was based off what the department heads and constitutional officer brought to you saying that was what could be cut from the budget. The commissioners gave us instructions that you were going to take the current 2010 budget and after you amended the budget that was what was going to be the 2011 budget. So, with these instructions Jennifer and I took the budgets as they were with adjustments. We found that some Grants that were going to come forward in 2011. These grants included Congregate Meals, PPA and some additional money from the Sheriff's department. This was included in the 2011 budget which actually makes the 2011 budget \$8,030,220.50 which is less than the current year's budget if you make those amendments that need to be made next Tuesday night. It's hard for the judicial system to project how many cases we are going to have. We have a budget that has gone pretty good. This year the judicial budget is over about \$20,000 dollars. Next year we may be under. We have to start with the workshops to analyze the budget. The good news is that we have a report that shows we have only spent \$7.9 million dollars and we have a \$214,000 asset that is not used. We will use \$40,000 of that somewhere in the county."

Commissioner Brown stated that this is on paper and not in the bank. Administrator Patterson stated that his understanding is that this all started in 2010 and when he came

on board the budget was \$800,000 upside down. Currently, the money that comes in November and December should be going for the next upcoming year but somehow over the years the county got in a predicament and nothing was ever done to turn it around. So now we have to take that money that is coming in now to pay off the 2010 debt. Therefore, when we go into the year 2011 budget we will have a small amount of money for the next several months but then we will have to have a line a credit to cover the remaining year and keep the government functioning. Administrator Patterson further stated that the work that has been done has paid off but we still have to sharpen our pencils and watch the budget every month. Be doing this, hopefully the budget will be turned around.

Commissioner Thrash inquired about the revenue from the fire funds. Commissioner Brown stated that this does not include what we took in right now but for the fire funds in April and May. Administrator Patterson concurred and stated that any revenue that comes in from fire fund and is to be transferred from that money the chairman and the commissioners will be notified of exactly what it is paying for. We will not transfer any money until the chairman and all commissioners have signed off on the transfer. Administrator Patterson gave an example that we come to you in March and we have \$350,000 in the fire and ambulance fee that can be transferred to pay down the portion we owe to Mid GA Ambulance Fund we would have you sign off on the amount that is transferred. Commissioner Brown asked what year that the transfer is for and Administrator Patterson stated that the transfer is for 2010 fiscal year because of the debt. We paid off \$2 million dollars last week and we are paying the \$421,000 dollars off today and as of Friday we are debt free.

Commissioner Brown stated that what bothers him is that we are going to take in \$300,434,626 dollars in ad valorem tax and pay \$2,445,000 plus the interest out of which leaves us \$800,000 dollars to run on. Administrator Patterson interjected that we also will take in the \$750,000 fire and ambulance. Commissioner Brown stated that we will take in Fire and Ambulance again in April and May and Administrator Patterson added that this is for the fiscal year 2011 and that this is solely the commissioner's decision.

Commissioner Thrash brought to the table the possibility of freezing the SPLOST project. Commissioner Thrash says that we all know that the SPLOST projects that the people vote on have to be completed. The only SPLOST projects to her knowledge with exception to roads and bridges that haven't been completed are the fire station. Since the project may be scaled back according to Chief Andrews it would be possible to freeze the SPLOST money to pay for existing debt for the county. Commissioner Thrash spoke to Attorney Mayfield in regards to this possibility. Commissioner Thrash quoted OCGA-section 48-8-121 subsection G. She stated that any remaining SPLOST money can be used to pay off remaining debt of the county. It has to be general obligation debt. The legislatures and all of us should be careful how we use SPLOST funds. But I think we should freeze the remaining SPLOST funds. The citizens want this debt paid down and they don't want us coming into their pocket. They don't like this fire and ambulance fee and I think we should freeze the SPLOST funds. We should use the balance that is left over after we construct the fire station and use those funds to reduce the debt of the

county. Commissioner Brown stated that there was \$325,000 in that SPLOST fund that people voted for and we have already spent \$280,000 I don't believe that we can complete it with the remaining funds. Commissioner Thrash said we have to use the SPLOST funds to complete the project and Commissioner Brown said that there is a phrase in there stating where feasible. Attorney Mayfield interjected that feasible doesn't mean out of money.

Commissioner Thrash stated that the commissioners were not diligent when building the Martin Building. She stated that no one oversaw this and it went way over budget. Commissioner Thrash said, "From what I can find about a half a million dollars was taken out of General Funds to furnish this building. Administrator Patterson stated that the money came out of SPLOST. Commissioner Thrash said well it's over but we would have more money to construct the Fire Station that the people voted for had that not happened. I'm not pointing fingers. This is here and what is done is done and my constituents are telling me to take care of this and that is what I'm going to do."

Vice-Chairman Horton wanted to know if there was money pulled from General Funds to renovate the Martin Building. Administrator Patterson stated that he was not aware of any funds that came out of General Funds and that the commissioners signed off on the estimate of \$700,000. However they didn't factor in the furnishing of this building. Administrator Patterson stated that he believes that none of the money came out of the General Fund. Patterson then interjected that Commissioner Thrash is right on target that once the SPLOST project is completed that we take the money to pay down the debt. Administrator Patterson's only concern is that we can legally do this.

Commissioner Brown stated that the fire station is not the only project that there is still recreation. Commissioner Thrash stated that the money is there for the recreation project to be completed. Commissioner Brown stated that it is on paper. We gave \$25,000 to the EMA and he still has not gone over that \$25,000. Administrator Patterson interjected that you can scale back a project. Commissioner Brown again stated that they have done everything that there is down there and that there is \$800.00 left over that can be moved. It can't be moved till October 1st. Administrator Patterson stated that the key to it is that before you take money and do something that the citizens didn't approve you have to exceed the original amount that was in the referendum which was \$8 million and something. We will exceed this amount. The money that is come in that was above what the referendum called for as long as you finish the projects then it's a simple question for our attorney. "Is it legal to pay down general fund debt?" Commissioner Brown said, "I don't think we can. Commissioner Thrash said, "We can because the law clearly says after the SPLOST projects have been completed. Pay off existing debt of the county." Commissioner Brown said, "After the SPLOST is finished." Commissioner Thrash came back with the rebuttal "No it's not after the SPLOST project are completed." Commissioner Brown voiced his concern about the completion of the SPLOST project and where the monies have gone to.

Vice Chairman Horton called everyone to order.

Commissioner Hearn said he spoke to a Commissioner in Upson County and he said that they have excess money in SPOLST and they are going to roll back and you can do this as long as the debt is incurred in that SPLOST term. "You can't go back 10 years and use excess SPLOST." Commissioner Hearn received advice that we should also get legal advice from our county attorney. Attorney Mayfield then stated that Commissioner Thrash is read from a paraphrase of the law. "It say's unless otherwise provided in this park or intergovernmental agreement which it is not. I checked your old intergovernmental agreement. Excess proceeds shall be used solely for the purpose for producing any indebtedness of the county within the special district. Special district is the whole county. Other than the indebtedness incurred pursuant to this part which would be a bond and you all don't have a bond for either SPLOST. If there is no other indebtedness then you used it for the general fund or reduce millage rate. I would have thought it would have been general obligation debt but it said in any indebtedness after 5:00 p.m. today per County Administrator Patterson we don't have that."

Discussion amongst commissioners was ensued with regards to the statements that Attorney Mayfield made.

Vice Chairman Horton wanted to know if we go thru with this procedure what is the boundaries to complete the fire station. Chairman Thrash said we need to sit down with Administrator Patterson and the Fire Chief Andrews to discuss the scale downs. Vice Chairman stated that we need to decide where the funds will come from to be able to save the SPOLST after you freeze it. Administrator Patterson stated that over the next few months' minor expenditures to SPOLST for some roads but we will be accumulating the monies each month. Administrator Patterson voiced his concerns that by April we will be back in debt and we will have to have another line of credit and by then we will know how much we have to scale down and we are going to know if the inmates are going to be able to come and do the job so it gets completed.

Commissioner Thrash interjected that she got a call from the Governor's office stating that the inmates will be available to us by the beginning of February. Administrator Patterson said that this was important information for the commissioner to decide how much we want to scale it down so he could get back with the architect Todd to work on design. We may have to do some schematic design revision and if the inmates re here we should have \$300,000 to \$400,000 dollars in SPLOST. The most expensive thing is the concrete which is \$40,000 to \$60,000 dollars. But with that being said, we will be back in debt by the end of the first quarter. If we can, I'm hearing that you can't pay that debt down-you can roll the millage back. Commissioner Thrash and Brown spoke up and said "No you can pay the debt down that has been incurred during the SPLOST period. If we borrow money to borrow a line of credit like we normally do, can we use SPLOST to not borrow the money to begin with? Commissioner Thrash stated that is what she wants to do and she wants to get away from this line of credit and to operate on the money that is coming in. Her desire is to run the county as a business. Attorney Mayfield stated, "So you are going to borrow money to finish this fire station and pay that money back with SPLOST." Commissioner Thrash said we can do this. Attorney Mayfield stated that this is fine and this is a different animal from the code section that Commissioner Thrash

sited. Administrator Patterson stated that this is not what he said but we can do that if it is legal. Commissioner Thrash said that this is legal. Commissioner Thrash stated that she is not a lawyer. “We need to rely on Attorney Mayfield to tell us.”

Commissioner Brown stated that if we go over the \$325,000 that was in the SPLOST there will be a lawsuit. Commissioner Thrash wanted to know why there wasn't a lawsuit on the Martin Building. Commissioner Brown said because no one took the time to do it. Commissioner Thrash said, “Because no one knew it. Another thing thrown under the table that the citizens did not know about.”

Commissioner Brown said we knew about the free labor but we didn't know about the rotted timber until the work began.

Administrator Patterson stated that because the commissioner didn't know there wasn't enough money put into the project to complete it so in order to free up the space for the courts they had no choice to go on with the project. Commissioner Thrash wanted it not that there was nothing illegal about it but Patterson was explaining this because Commissioner Brown said we would have a lawsuit if we went over the \$350,000 for the fire department.

Vice Chairman Horton expressed his desire to move forward and wanted to make sure that Attorney Mayfield knowledge has us stay within the border lines. Attorney Mayfield stated that we have a lot of time as he just became aware of this SPLOST issue as he was driving back from Zebulon earlier today. Commissioner Thrash asked Attorney Scott Mayfield to look into the matter.

Vice Chairman Horton said to get out from under the debt to get out from the line of credit. Commissioner Horton said we wouldn't do this at home. Commissioner Thrash stated that can't have a whole lot of revenue carried over and that the budget is supposed to zero out at the end of the year. Administrator Patterson referred them all to the class at ACCG that taught them about budgets.

Commissioner Brown requested to revisit the fire and ambulance transfer as he is concerned about the signatures on the transfers. Administrator Patterson stated that they all will be included on any transfers. Administrator Patterson stated to the commissioners that yes, one may vote against it, but as long as 3 approve the transfer can occur. Administrator Patterson gave his assurance that notification of all commissioners will be in place. Commissioner Thrash stated that she continues to tell her constituents that she is watching this. Administrator Patterson stated that the form will be adjusted so that there is notable clarification as to where the monies are transferred to. Commissioner Thrash voiced her concern that needs to be on file kept with this information so that she can go back at any time to see what the transfer is for. Administrator Patterson said this will be kept and in it will also be integrated in the computer system after all 5 commissioners have signed off on the transfer of funds. He also stated that the commissioner will get a copy in their box for their own personal file. However,

Administrator Patterson stated to keep in mind that this will not happen but 3 or 4 times a year.

Administrator Patterson reported good news in regards to the fire and ambulance fees. He stated that 197,000 had been brought in thru Friday, December 14th, 2010.

Commissioner Brown wanted to know why the schools were not charged when the commissioners voted on for them to pay it. Commissioner Brown said that Commissioner Thrash would go and speak to Pastor Tate. Commissioner Thrash remembered that Chairman Matthews and Commissioner Hearn would speak to the schools. Commissioner Thrash and Commissioner Hearn said they were going to go and talk to Gordon. Commissioner Hearn stated that by the time they got an answer back from the Board of Regents they would fight this. They felt like the legality of hitting the schools was not feasible. They would consider hitting the schools in fiscal year 2011. Commissioner Brown stated that you wouldn't find out the legality of it until you send them the blasted bills. If they can pay the City of Barnesville for picking up the thrash then they can pay this fee. Commissioner Hearn said that we would assess it next year. Commissioner Brown stated it needs to be assessed this year. Commissioner Thrash said that we didn't have this on the agenda. Both Vice Chairman Horton and Commissioner Brown not that the agenda said other discussions.

Commissioner Horton stated that he didn't remember hearing any of this about not sending it to the schools. He heard that we were going to check into it and recommended that when studies are done that everyone check into it. He voiced his opinion that all of the commissioners should be on board. Commissioner Hearn said he did not know the final result he just knew that Chairman Matthews and he were going to look into it but it was more or less for the President to get back with us. Commissioner Thrash wanted to find out from legal attorney Mayfield if it was useful to charge the fees to all schools. Commissioner Thrash wanted to know if this is a true user fee. Commissioner Thrash stated se never thought about people not being able to deduct this from their taxes. Commissioner Thrash stated that we need to start thinking about the homeowner. "If we are going to do this next year, we need to think this thru. The last thing we want to do is run people out of this county. We need to get good quality businesses in the county so it takes the pressure off the home owner."

Commissioner Brown agreed but said the fire and ambulance is included in the budget. If we change it then the budget will not balance. Commissioner Thrash stated that if we freeze SPLOST to pay down debt we may not have to do the fire fee.

Commissioner Thrash stated that the SPLOST fee will come due in October. "The next SPLOST fee will take effect the next day if the citizens vote on it. If we see progress with getting the debt paid down, the citizens will vote for the SPLOST. Citizens see if we are trying to pay debt down they aren't going to have a problem to vote SPLOST in."

Commissioner Brown stated that we will have to increase the millage rate if we vote against the SPLOST. "My opponent will have to vote to increase the millage rate."

Administrator Patterson said, "This is something the citizens need to know about. \$800,846,054 and you all cut the budget to \$803,300,000. You cut what was asked by \$8,515,833.00. That's the first step he's seen since he has been here. If we continue, and the economy turns around we can get out of this. We have to watch every penny. Administrator Patterson tipped his hat to the commissioners.

Waivers for the fire and ambulance fee were discussed among the commissioners in regards to the fire and ambulance fees. Examples of those living in one county and having 911 services in another county were brought to the table.

Commissioner Thrash stated that if it quacks like a duck, walks like a duck it's a duck. "If people call 911 because people are calling stating that they have a headache take me to the hospital. People are tired of this because they have to pay thru ad valorem taxes. This is why I voted for the fire fee and not the 2 mill increase. Now everyone is paying for this fee. If you come thru here and rent a motel room you have to pay this fee."

It was unanimous that the commissioners would like to continue the workshops on all of the issues that have come up.

Administrator Patterson brought up that we have only one bad check that has come up. He addressed the commissioners as to how to handle this. Disagreement with regards to this was had among the commissioners. Commissioner Thrash stated that we should hand as if any citizen who just didn't pay. Attorney Mayfield stated that unless you are pursuing a criminal bad check send them the same letter as someone who didn't pay. Commissioner Thrash does not want to lock up a citizen. Administrator Patterson asked for a motion to approve this. Attorney Mayfield said that this may not fall under a criminal bad check.

Commissioner Hearn would like to know how to educate the citizens on the saving between a 2 mil increase as opposed to the fire and ambulance fee. He worked with a citizen whose fee assed at \$80.00 and \$50.00 Imposing the 2 mill would have increased his property taxes to \$436.64. Also, Commissioner Hearn has heard many complaints about those that want to combine the parcels.

Commissioners brought other concerns to the table in regards to advertising to the Lamar County citizens. These notifications already include newspaper, internet, television, and door to door.

Commissioner Elect Charles Glass addressed the commissioner about the budget and wonders about the revenues. "Has anyone been tracking those?" Mr. Glass would like to see the 2010 and 2011 budget posted on the website. Administrative Analyst Day stated that the file was too big and with fire and ambulance fees she has not had time to work with this. Mr. Glass thought the issue was an email issue but according to Administrative Analyst Day it is both. Mr. Glass would like to get the budgets on the website before Tuesday night. Commissioner Thrash would like to get a Power Point for Tuesday night.

Administrator Patterson stated that our system is antiquated and once Mr. Glass comes on board we can work on getting software programs in place so we can share the information over the internet. Administrative Patterson would also like to look into upgrading the financial software system. In the meantime, copies of the 2010 and 2011 proposed budgets are available upon request.

Commissioner Horton stated that reaching Lamar County Citizens has been hard. You are only going to reach 20 to 30 percent of the Lamar County population. Commissioner Thrash stated that communication is the key so that people will not make things up.

Commissioner Horton stated that we need to post the duties of the commissioners and the constitutional officers.

Commissioner Horton then made the motion to adjourn the meeting and Commissioner Thrash seconded the motion. All were in favor. The meeting was adjourned.