

**FRANKLIN COUNTY
BOARD OF COMMISSIONERS
WORK SESSION
NOVEMBER 25, 2014
6:00 P.M.**

Present: Commission Chairman Thomas Bridges
District 1 Commissioner Robert Franklin
District 2 Commissioner David Strickland
District 3 Commissioner Jeff Jacques
District 4 Commissioner Clint Harper

Media: Shane Scoggins, Franklin County Citizens

Staff: County Manager John Phillips
County Clerk Elaine Evans
County Attorney Bubba Samuels

Item 1 & 2: Chairman Bridges called the meeting to order and welcomed everyone. He then asked Commissioner Jacques to lead the invocation and pledge to the American flag.

Item 3: Items to be discussed:

A. Public Comment – Chairman Bridges asked if anyone had anything for public comment. Clerk of Court Missy Holbrook asked for an update on the hospital bond payment. Chairman Bridges told Mrs. Holbrook that this is on the agenda for tonight and will be addressed when that item is discussed. There were no other comments or concerns.

B. Juvenile Court Prosecution & Assistant District Attorney Position – Chairman Bridges welcomed District Attorney Parks White and asked him to proceed with his presentation. Mr. White thanked the Commission Board for allowing him to come speak. He said that a lot of concern had been expressed over his letter of opting out of juvenile court. Mr. White then explained his reason for this. He said that his job is to uphold justice for the citizens. Public safety is one of the few legitimate purposes of government as well as one of the most important. Mr. White said that he needs additional funds from the counties in the Northern Judicial Circuit in order to be able to prosecute criminal cases. Mr. White then showed video representing cases that have been prosecuted by the District Attorney's office.

Commissioner Strickland asked Mr. White why the death penalty is not given. Mr. White said that it is because of the appeals process in Georgia. The convictions are reaffirmed over and over during the appeals process. He said that when aggravated factors apply that it is his job to file a death notice. This gives justice to the families of the victims.

Mr. White said that at the beginning of November there were over 2,400 cases pending in the Circuit. Cases are opened and closed continually. At the present time there are 530 pending cases in Franklin County. This is down from around 700 at the beginning of last year. The number of pending cases changes continually as the cases are closed and new ones are opened. The intake numbers for each county in the Northern Circuit are down because the cases are not sitting in warrant status for long periods of time. There are less than 30 cases older than 90 days in intake status across the Circuit. Grand juries are being brought back more frequently so

that the cases can be heard. At the beginning of January 2013 there were approximately 3,213 cases that were pending. Every month from January 2013 through December 2013 more cases were closed across the Circuit than were opened. The previous District Attorney's office had a trial conviction rate of 24%. The present District Attorney's office has a trial conviction rate of 90%. The majority of the cases presented by the District Attorney's office are won. Mr. White said that each assistant district attorney has a caseload of approximately 500 cases. No prosecutor should have to carry a caseload this big. It is impossible to give the proper time and attention when the caseload is this large.

Mr. White said that the District Attorney's office provides additional training for law enforcement to maintain P.O.S.T. certifications. The training is provided to the counties at no cost. This training is provided so that law enforcement will be up to date on changes in the law. His office is also responsible to review child fatalities and submit a report to the Governor's office on the findings. The District Attorney's office also provides training to attorneys to keep them current on changes in the law.

Information was then presented on the number of assistant district attorneys in other circuits. Mr. White said that the only two circuits that do not have a County paid assistant district attorney are the Toombs Circuit and the Northern Circuit. The Toombs Circuit has less than half the population of the Northern Circuit. The Northern Circuit has one assistant district attorney for every 22,000 citizens. The average of the other circuits is one assistant district attorney for every 11,000 citizens. This is not a job that people enter to make a lot of money. The average annual starting salary for an assistant district attorney is \$43,000. The average starting salary for an attorney in Atlanta is \$135,000 per year. There is the same number of assistant district attorneys in the Circuit as there was in 1996. Every law enforcement agency during this same time period has had an increase in their staffing.

Commissioner Strickland asked Mr. White what he needed. Mr. White said that he needed another assistant district attorney. He said that Franklin County, Hart County and Madison County generate a lot of business for the District Attorney's office. He is asking that these counties fund a county paid assistant district attorney. He did not include Elbert County because they have a state court judge. Oglethorpe County was not included because the caseload there is smaller. Chairman Bridges asked if the county funded this position would the District Attorney's office handle the juvenile cases. Mr. White responded that if his request for an additional assistant district attorney is approved that his office would handle Franklin County Juvenile Court. Chairman Bridges said that he and the chairman from the other counties in the district have talked about funding a juvenile court attorney. He then told Mr. White that this would be looked at again next year at budget time.

Chairman Bridges asked County Attorney Bubba Samuels to comment on the juvenile court position. Mr. Samuels said that he is not speaking negatively against the District Attorney's office; he is only speaking on the juvenile attorney position. He said that the county attorneys for the Northern Circuit have spoken and with Elbert County driving the request for the Commission Board to approve hiring a contract prosecutor for the Circuit. Franklin County's share of the cost would be \$300 per month. The Juvenile Court Judge is also requesting the County pay for attorney services until the intergovernmental agreement is approved. The most cost effective approach for the counties is a contract attorney. Mr. Samuels asked that the Commission Board consider this for approval at the December regular board meeting. Chairman Bridges then told Mr. White that his previous request for an assistant district attorney was approved. He said that the present request will be looked at for next year's budget approval. He also stated that he appreciates the job done by the District Attorney's office.

Commissioner Strickland asked if this cost could be divided by five so that each county in the Circuit paid an equal share. He also asked Mr. White how much is needed for this additional hire. Mr. White said that \$60,000 is needed annually to make this happen for the salary and benefits. He said that this person would be responsible for misdemeanors and juvenile court in Franklin County. Commissioner Jacques asked if this would

expedite the cases. Mr. White said that with this additional staff member that they could have jail clearing days to get rid of the misdemeanor cases. Chairman Bridges said that he could not promise anything but that this will be considered by the Commission Board.

C. December PILOT Bond Payment Authorization – Chairman Bridges asked County Attorney Bubba Samuels to comment on the December PILOT Bond Payment that is due on December 1st. Mr. Samuels said that neither the operating company for the hospital nor the sub entities for Ty Cobb have the available cash to make the bond payment that is due December 1, 2014. This has been communicated by email that they are unable to make the payment. Franklin County previously guaranteed the bond. There is bond insurance that would make the payment but a reimbursement claim would come against the County. It has been noted publicly that the Industrial Building Authority will provide funds sufficient to make the payment. The payment needs to be made tomorrow morning so that the funds will be received by December 1st to avoid the bond insurance company from seeking payment.

Chairman Bridges said that this payment needs to be wired to keep the County in good financial standing. Commissioner Strickland asked if the money would be wired from the general fund. County Manager John Phillips said that yes, the funds will be wired from this account. Commissioner Jacques asked if there is a date for when the IBA will release funding to the County. Mr. Samuels said that he was not aware of a date. Commissioner Strickland asked if the County has anything in writing stating that they will help the County with payment. Chairman Bridges said that it has been publicly stated. Commissioner Jacques said that a formal vote was taken by the IBA to approve payment. Chairman Bridges asked for a motion and a second to authorize County staff to wire the bond payment. Commissioner Strickland made the motion to authorize the payment. Commissioner Jacques seconded the motion based on that the IBA will reimburse the payment. Chairman Bridges asked for discussion. Commissioner Harper said that his understanding is that the bond is insured. He asked at what point the County could get the insurance to pick up the payment. Mr. Samuels said that the bond insurance is not for the County, only for the bond holders. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Harper; Commissioner Jacques; Commissioner Strickland and Commissioner Franklin. Commissioner Strickland asked that Mr. Samuels clarify what payment will be expected each month from the County. Chairman Bridges said that this is being reviewed.

D. County Manager Position – Chairman Bridges said that the county manager position was advertised and that the sole candidate for the position is Mrs. Beth Thomas. He then asked for a motion and a second to hire Mrs. Thomas and to authorize the Chairman to sign the employment agreement between Mrs. Thomas and Franklin County. Commissioner Harper made the motion. Commissioner Jacques seconded the motion. There was no discussion. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Chairman Bridges; Commissioner Franklin; Commissioner Strickland; Commissioner Jacques and Commissioner Harper. Chairman Bridges then congratulated Mrs. Thomas as the new county manager to start January 1, 2015.

E. Land Use Regulation Changes – Chairman Bridges asked County Manager John Phillips to comment on the land use regulation changes. Mr. Phillips said that he appreciated the work of the Planning Commission members on the changes to the land use regulations. He also thanked the media for their coverage of the proposed changes which resulted in feedback from citizens. Mr. Phillips asked that the Commission Board approve the land use regulation changes at the December regular board meeting. Chairman Bridges said that a copy of the changes has been provided to the Commission Board. He then asked that the Commission Board be prepared to vote on this at the December regular board meeting. Chairman Bridges echoed Mr. Phillips in his thanks to the Planning Commission for updating the land use regulations.

F. December Work Session Date - Chairman Bridges said that there is a planning work session each December. There has been discussion that for the convenience of department heads and elected

officials that the meeting be held before the Christmas holiday. Chairman Bridges asked the Commission Board if December 19th would be an acceptable date. He asked Mrs. Thomas if she would be available for this date. She affirmed that she would. Commissioner Harper asked that Chairman Bridges invite Commissioner Elect Eddie Wester to this meeting. Mr. Wester was in attendance and affirmed that he is available to attend that day. The meeting time is the afternoon of December 19th at 1:00 p.m. Chairman Bridges asked Mr. Phillips to formulate an agenda for this meeting with suggestions from department heads and elected officials. The meeting location will be Rocky Ford pending availability.

Chairman Bridges asked for a motion to adjourn. Commissioner Strickland made the motion to adjourn. Commissioner Harper seconded the motion. The motion passed by five (5) YES votes to zero (0) NO votes. The YES votes were Commissioner Harper; Commissioner Jacques; Chairman Bridges; Commissioner Strickland and Commissioner Franklin. The meeting adjourned at 6:55 p.m.

Signed on the _____ day of _____, 2014

Chairman J. Thomas Bridges

Robert L. Franklin, District 1 Commissioner

David R. Strickland, District 2 Commissioner

Jeff Jacques, District 3 Commissioner

Clint Harper, District 4 Commissioner

Elaine H. Evans, County Clerk