

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING
TUESDAY, AUGUST 7, 2007 - 6:00 PM
COUNTY ANNEX
KINGSLAND, GEORGIA**

A regular meeting of the Camden County Board of Commissioners was held on Tuesday, August 7, 2007 at the County Annex in Kingsland, Georgia.

Present: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David Rainer; Commissioner Stephen L. Berry; Commissioner Charlene Sears; County Attorney Brent Green.

Chairman Rhodes called the meeting to order at 6:00 p.m.

Chairman Rhodes delivered the invocation and then led the Pledge of Allegiance.

The roll call indicated that all Commissioners were present.

AGENDA AMENDMENTS:

Chairman Rhodes recommended the following agenda amendments:

Addition under New Business:

- N. Consideration of Holding a Special Called Meeting to Adopt the School Board Millage on August 9 at 6:15 p.m.

Addition under Executive Session – Litigation

MOTION TO ADOPT THE AGENDA:

Commissioner Sears made a motion, seconded by Vice-Chair Zell to adopt the agenda as amended.

The motion carried unanimously.

APPROVAL OF MINUTES:

Vice-Chair Zell made a motion, seconded by Commissioner Sears to approve the regular meeting minutes of July 17, 2007 and special called meeting of July 24, 2007.

The motion carried unanimously.

PRESENTATIONS:

- Proclamation for “Camden County Fire Fighter Appreciation Week”

Commissioner Sears read the Proclamation honoring Camden County Fire Fighters and their efforts to raise money for Muscular Dystrophy.

WORK SESSION:

- Moreland & Altobelli regarding Horsestamp Church Road Interchange Project

Road Superintendent Scott Brazell

Mr. Brazell introduced Brian Smart to discuss the environmental aspects of the Horsestamp Church Road Interchange and Ella Park Road projects.

Brian Smart

Mr. Smart stated that the major concern and where the need for additional funding comes in is the required relocation of Spring Bluff Road. He explained that any adjacent surface street must be one thousand (1000) feet from the nearest off or on ramp. He stated that the need for the relocation of Spring Bluff Road is derived from the proximity the ramp will be to the Horsestamp Church Cemetery which is a historical site. He stated that the most significant issue is the wetlands in the area and the need to coordinate with the Army Corps of Engineers to acquire a permit.

Commissioner Rainer asked if the individual permit would cause the need for more time to complete the project.

Mr. Smart stated that the project is on schedule.

Commissioner Rainer asked what the additional fees are for.

Mr. Brazell stated that the fees are for the environmental CE permit.

Chairman Rhodes stated that the project is on track and ready to move ahead.

Mr. Brazell stated that they have been working with Department of Transportation to keep this project on track.

- Discussion Regarding Investigative Audit and Finance Department Issues.

Commissioner Sears stated that she along with several other of her fellow Commissioners agree that an investigative audit is needed to make sure everything is on track. She explained that with a new County Manager and two (2) new Commissioners coming on Board this year that an investigative audit is necessary.

Commissioner Berry asked Commissioner Sears what it is that she wants to investigate.

Commissioner Sears stated that the audit would be conducted just to find out that we are doing things correctly.

Commissioner Berry stated that an audit is conducted every year.

Commissioner Sears stated that the audit that is done every year is more in-house.

Commissioner Berry stated that the audit is contracted out and is an independent audit. He asked Commissioner Sears again what we were investigating. He asked Finance Director Mike Fender how much the county pays for an audit to be conducted every year.

Finance Director Mike Fender stated that an audit costs approximately fifty thousand dollars (\$50,000.00).

Commissioner Sears stated that for some time the County has been using the same company to conduct audits and she believes that a fresh pair of eyes would make a difference. She stated that since January she has been displeased with the Finance Department and her displeasure has warranted her to call for an investigative audit of County finances.

Commissioner Rainer stated that he did not completely understand Commissioner Sears's comments. He asked how long the County has been using the present company to conduct County audits.

Mr. Fender stated that the current company was recently awarded a five (5) year contract.

Commissioner Rainer asked if the County had already awarded the contract to the present company.

Commissioner Sears explained that she had received names of companies that specialize in investigative audits from the Association of County Commissioners of Georgia. She stated that she has had several citizens express concerns of mismanaged and disorganization in the County's Finance Department that have warranted her to call for a real red line audit.

Commissioner Berry stated that the audit that is conducted every year is done down to the penny and the Finance Department has received awards every year for their exceptional job.

Commissioner Sears stated that she received a document stating that monies are being commingled from the E-911 fund into the general fund.

Mr. Fender explained that those monies are in no way commingled and what Commissioner Sears is referring to are reimbursements.

Commissioner Sears stated that cannot be done.

Mr. Fender stated that it can be done.

Commissioner Berry stated that it is perfectly legal. He stated that he does not want Commissioner Sears to give the public the impression that the County does not know what they are doing.

Mr. Fender stated that the Finance Department has received an Excellence Award on the National level for the past six (6) years.

Commissioner Sears stated that at the Commissioners Retreat in January Mr. Fender stated that the County's finance situation was great. She explained that when the Quarterly Report was presented Mr. Fender's position was that things were fine and then shortly after that the Emergency Operation Center Building was purchased because the Board of Commissioners thought the County's finances were in good standing. She stated that she felt misled by the Finance Department in her decision to purchase that building when Mr. Fender later informed the Board that the County was virtually bankrupt. She stated that at the budget work session the bottom line kept moving and she would like to see better forecasting from the Finance Department. She stated that the budget work session was disorganized and the budget was not done in a timely manner. She stated that Mr. Fender's vacation came at a bad time and Mrs. Bowick was left alone to deal with confusion regarding hearing dates surrounding the adoption of the budget. Commissioner Sears explained that she was called to a meeting where Mr. Fender and Chairman Rhodes were present. She stated that meeting was regarding the Sheriff's Office food budget and she was told by Mr. Fender that the sheriff's office was approximately two hundred thousand dollars (\$200,000.00) over budget but a few minutes later when met with Sheriff Bill Smith and Colonel Charles Easterling he changed the overture to approximately eighty thousand dollars (\$80,000.00). She stated that she was very displeased when she heard about invoices sent to the Finance Department not being paid in a timely manner, vacations taken during budget time, interviews to the media and the structure of the finance department in general. She stated that the Department Head in the Finance Department should inform the Board of Commissioners and the County Attorney before speaking to the media. She explained that without Staci the Finance Department is a little slack. She recently tried to call the finance department and could only reach one person working. She stated she wished to do this in private but Commissioner Berry informed her that to discuss personnel issues such as this she must do it publicly. She explained that she wished to discuss this matter again during Executive Session.

Commissioner Berry stated that evidence against personnel must be presented in a public meeting. He explained that the Emergency Operations Building was bought with SPLOST money that was voted on by the taxpayers and has nothing to do with general fund expenditures. He stated that during the budget work session the bottom line constantly changed because that is normal during the budget process with expenditures being added and taken away. He stated that he was impressed with Mr. Fender being able to keep up with the constant changing budget. He stated that the reason the budget process was not on time was because the Sheriff's Office did not turn in a budget in a timely manner and still has not turned in a budget. He stated that Mr. Fender took a vacation after the budget process was done and voted on. He stated that Commissioner Sears berated Mr. Fender for taking a week off after the budget process was over but the reality is that Ms. Bowick thought she had made a mistake but everything was fine. He stated that Commissioner Sears is mad because the Finance Department found irregularities in

the Sheriff's Office spending and it is the Finance Departments job to be the watchdog for the Board of Commissioners. He stated that the sensitive records Commissioner Sears referred to are open records request that are required by law to be fulfilled. He stated that he is not going to sit back and let Commissioner Sears attack a man that does a good job. He stated that Commissioner Sear is supposed to be representing the people of District 4 but instead she is representing the district of Bill Smith.

Commissioner Sears stated that Commissioner Berry was having a bias because Mr. Fender is his friend. She explained that Mr. Fender has released private information regarding a person's medical bills to the public. She stated that he is a liability through HIPPA laws medical records cannot be released to the press and those have been released.

Commissioner Berry stated that a private audit has been done and the only thing that was found was irregularities in the Sheriff's Office and they have yet to correct these things to this day.

Commissioner Rainer stated that the issue was gravitating into personal attacks and some of the things Commissioner Berry has stated are true and some are grand standing. He stated that an absolute complete financial report issued to the Board of Commissioners every month. He stated that he has asked repeatedly for things that were not provided to him. He stated that the most important thing he believes is that the Board should all have the same information at the same time. He explained that Mr. Fender does do a good job and the County Manager would be tasked with overseeing the financial issues when he comes on board.

Vice-Chair Zell stated that she agrees with what Commissioner Rainer has said.

Chairman Rhodes stated that his recommendation is that once the new County Manager comes on Board that he is charged with some oversight with the Finance Department and some recommendations of assigned duties from each member of the Board of Commissioners in writing.

Commissioner Berry stated that a Resolution needs to be constructed defining what the new County Managers duties will be. He explained that in his contract it states that he will perform the duties as the Board of Commissioners assign them to him. He stated that the County Attorney will need to construct the Resolution of what his defined duties will be and it will need to be voted on it at the next meeting before his employment begins on August 31, 2007.

Finance Director Mike Fender stated that as far as the advertising issue he was not here and he apologizes for that. He explained that Ms. Bowick did the best she could and the right thing. He stated that he listened to the tapes again today and what he said was very specific and backed up with charts and graphs. He stated that the media has made open records requests and he does not keep a special file on the Sheriff's Office.

- Discussion regarding Returning Drug Forfeiture Money to the Board of Commissioners.

Commissioner Berry stated that the when money is seized along the interstate or within any criminal activity it can be kept by the local government if it can be proved that the money was

used in illegal activity. He explained that it is a very lucrative business and a few years ago the Georgia Times Union did an editorial that Camden County had raised almost twenty five million dollars through drug forfeiture money. He stated that the problem is that about fifteen years ago that money was collected and held by the Board of Commissioners. He stated that the Board at that time did not get proper authorizations on the construction of the GBI Building and the Board at that time gave the control of the drug forfeiture money to the Sheriff. He stated that he has been looking at this fund and it is very hard to get the Sheriff to produce information regarding this account. He stated that huge amounts of money have been spent on all types of things all over the place. He stated that there are payments to the Sheriff's personal attorney and huge donations to various organizations. He stated that there is a drug program in California, airfares, Las Vegas trips, Greyfield Inn and hundreds more or unnecessary purchases wasted. He stated that a huge amount of Sheriff's Office employees and their children's college tuitions were paid for out of the seized assets. He stated that the money needs to be taken back and the problem is the Sheriff is not going to hand this money over. He explained that when he makes his motion in a few minutes that it is understood that the Sheriff will have until 5:00pm tomorrow afternoon to turn the drug forfeiture money over to the County's control and if it is not that the County Attorney is instructed to file a Writ of Mandamus in Superior Court for the Sheriff not complying with the order of the Board of Commissioners.

REPORTS:

A. Calendar

The July/August calendar was read.

B. County Manager's Report:

None.

PUBLIC COMMENTS:

Sanford Feller

Mr. Feller stated that in his opinion the minutes of July 17, 2007 do not accurately reflect the comments that he made and he would appreciate a correction. He stated that he had the privilege of speaking with the auditor for the County a few years ago and his comments to him were that he a business man does not perform an audit as the government would. He explained that the problem is the information you get suffers from it. He stated that he asked Mr. Fender about the Tax Commissioners office submits receipts. He stated that the Tax Commissioner was still submitting hand written receipts in this day and age. He stated that an audit may be merited. He stated that there is a missing entity in these financial reports.

Mary Ann Seaman

Mrs. Seaman stated that she has been a part of Camden County for fifty years and she has traveled with her husband, worked in missionaries in other countries, dealt with women in crisis, raised two successful children and been a positive force in Camden County. She explained that there are some things going on in Camden County that disturb her. She stated that she talks to

people one on one all the time and there are many people that appreciate Sheriff Smith and his staff. She stated that living thirty (30) miles from a city that averages a murder a day and our Sheriff's Office manages to keep our area safe. She stated that she had contacted Gordon Jackson about a story that she thought would be of interest to the people of Camden County but was told they were not interested. She stated that her question to Commissioner Berry is why now and why is Commissioner Berry the only one challenging the Sheriff. Mrs. Seaman read an excerpt from a local news article written by Mark Woods. She stated that she was disgusted by Commissioner Berry after reading this article. She stated that Sheriff Smith has many supporters and they are tired of Commissioner Berry's grand standing. She stated that Sheriff Smith helps many people through a program called Celebrate Recovery out of California. She stated that Sheriff Smith has a job to do and should have a committee around him to help. She stated that she has been told she should look into the Commissioners budget and she could find some dirty laundry.

Dan Delovie

Mr. Delovie stated that he had the privilege of being on the Board of Tax Assessors for six (6) years and during that time they have a very serious problem on the Board of Assessors and that is the timing of appointments. He stated that there are two (2) nominees and three (3) members which cause a big problem with getting a quorum together and subsequently caused the digest to not get to State on time. He stated that he realized that it takes a lot of schooling to acquire the knowledge to perform the job of an appraiser. He explained that there is no incentive for the appraisers to improve with schooling and this can lead to appraiser going to work for other counties where there are incentives regarding pay scales. He asked Commissioner Berry if he came to him with his personal tax bill would he take it to the Chief Appraiser and discuss his tax matter with him.

Commissioner Berry stated no.

Mr. Delovie asked Commissioner Rainer if he came to him with his personal tax bill would he meet with the Chief Appraiser to discuss his tax matter.

Commissioner Rainer stated if it was a matter of just getting information but he would not discuss doing something about the appraisal.

Mr. Delovie stated that he agrees it is unethical and asked Commissioner Sears if he came to her with his personal tax bill would she meet with the Chief Appraiser to discuss his tax matter.

Commissioner Sears stated that she knows what Mr. Delovie is trying to imply and she did not take anybody's bill into the Tax Assessors office she took her own. She explained that at the same time she asked Mr. Daniel if someone had a problem with their tax bill should they come in and talk to you about it. She explained that he asked her who had the bills in question and she told him that she had went to the Sheriff's office this morning and Colonel Easterling, Sheriff Smith and Dale Bundy had come to her and asked he what was the County doing raising assessments so high. She stated that she did not know because hers did not go up that high.

Mr. Delovie asked Commissioner Sears if she is implying his information is incorrect.

Commissioner Sears stated that his information is very wrong.

Mr. Delovie stated that he would drop the conversation.

Commissioner Sears stated that Mr. Daniel asked her to come around to his computer and he came to one property the Sheriff owned where the Assessor's office had arbitrarily increased the value because they could not get on his property. She stated that she asked Mr. Daniel why the Assessor's office would raise the value in a manner to get a person's attention.

Mr. Delovie stated that he did not mention the Sheriff that Commissioner Sears did.

Commissioner Sears stated that she has read the statements made by Mr. Delovie on the blogs.

Mr. Delovie stated that he does not read or post comments on any blog sites.

Commissioner Sears stated that the blogs were basically worthless.

Mr. Delovie asked Commissioner Sears if she went into the Tax Assessors office representing the Sheriff.

Commissioner Sears stated that she went in with her own tax bill and as she was leaving the Sheriff was coming in.

Mr. Delovie stated that in the six (6) years he was on the Board of Assessors he does not remember a member of the Board of Commissioner sever attending.

Vice-Chair Zell asked when the Board of Assessors meets.

Mr. Delovie stated that the meetings are held the first and third Monday of every month at 6:00pm if they can get a quorum.

Vice-Chair Zell asked where the meetings are held.

County Attorney Brent Green stated that the meetings are held at the Tax Assessors office in Woodbine.

Rick Rogers

Mr. Rogers stated that he would like to say thank you to Commissioner Sears for saying that comments on blogs are worthless.

Commissioner Sears stated that she did not say the comments were worthless, but that the blogs themselves are worthless.

Mr. Rogers stated that two (2) months ago when the controversy with the Sheriff's office started he sent an email to each of the Commissioners asking them to stand up to the Sheriff. He stated

that the only one who would stand up to the Sheriff was Commissioner Berry while other Commissioners have run illegal reports on him.

Commissioner Sears stated that he has no proof that illegal reports were run on him and that he is saying lies about her.

Mr. Rogers stated that Commissioner Sears sent a letter to him stating that she had run reports on him.

Chairman Rhodes stated that this is just a public comment time and called for order.

Commissioner Sears stated that Mr. Rogers could have an open records request through GCIC if he had any sense to prove that she did not run any reports on his background. She stated that Mr. Rogers could sit down now.

Mr. Rogers stated that he had a right to be there.

Commissioner Sears asked that Mr. Rogers be removed from the meeting.

Chairman Rhodes asked Mr. Rogers to stand down.

Mr. Rogers stated that he has a right to speak and that asking him to leave violates the open meetings law.

Commissioner Sears stated that he does not have the right to make person attacks on someone.

Commissioner Berry asked that he be let to finish his comment.

Mr. Rogers stated that the Sheriff has done illegal things since he has been in office such as let trustees drive drunk and give two hundred and fifty thousand dollars (\$250,000.00) to the Citadel in his personal name. He stated that the drug forfeiture money should be taken back.

Retta Sutton

Ms. Sutton of the Woodbine Women's Club asked the County Commissioners to be the conduit of funds for the Grassroots Arts program. She stated that all they are asking is for the Board of Commissioner consent to do so.

County Attorney Brent Green stated that this has been done in the past for the Woodbine Women's Club.

Diane McCoy

Ms. McCoy stated that MaryAnn Seaman was allowed to stand up and berate Commissioner Berry but when the gentlemen that just spoke was making his comments it was unfair for responses from Commissioner Sears while he was talking and it only upset him more. Commissioner Berry was very quiet while Ms. Seaman talked and she believes that they should expect that of everyone.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration of Approval of Work Authorizations for Moreland Altobelli regarding Horsestamp Church Road Interchange & Ella Park Church Road Projects.

Vice-Chair Zell made a motion, seconded by Commissioner Rainer to Approve the Work Authorizations for Moreland Altobelli regarding Horsestamp Church Road Interchange & Ella Park Church Road Projects.

The motion carried unanimously.

B. Consideration of Approval Authorizing Investigative Audit.

Commissioner Sears made a motion, seconded by Vice Chair Zell to Authorize an Investigative Audit.

Commissioner Berry asked how they suggest the investigative audit would be paid for.

Commissioner Sears stated that the audit would be paid for out of the contingency fund.

Commissioner Berry asked Mr. Fender how much money is in the contingency fund.

Mr. Fender stated that there is five hundred thousand dollars (\$500,000.00) in the contingency fund.

Commissioner Sears stated that she wanted a complete paperwork trail.

Commissioner Berry stated that he has never had an issue obtaining information from the finance department.

Commissioner Sears stated that she did not trust that department.

Commissioner Berry stated that she has a personal problem with the department.

Chairman Rhodes stated that a whole process is in question and how long is the actual audit take.

Mr. Fender stated that an audit takes approximately three (3) or four (4) months.

Chairman Rhodes stated that after all the processes are complete and the time for the audit to be conducted it would be approximately nine (9) months to receive the results.

Mr. Fender stated that they usually have to regular conducted audit in hand by mid December and he asked the Board of Commissioners if they want to do an investigative audit that those types of audits are conducted for evidence of fraud and abuse. He explained that the problem is they already know where the fraud and abuse is and that is at the Sheriff's Office.

Commissioner Sears stated that statement is not true and three (3) years ago when three million dollars (\$3,000,000.00) in debt was found and why did two (2) or three (3) people lose there jobs.

Commissioner Berry stated that was fiction.

Commissioner Rainer stated that his preference would be to wait until the manager gets here to be a part of these discussions.

Commissioner Rainer made a motion, seconded by Vice Chair Zell to Authorize the County Manager to explore all of the issues pertaining to authorizing an investigative audit and for the County Manager to make any recommendations to the Board of Commissioners.

The motion carried unanimously.

C. First Reading of Ordinance to Amend Chapter 18, Article 1, Section 18-35 of the Official Code of Camden County, Georgia regarding Building Permit & Inspection Fees.

Vice-Chair Nisi Zell made a motion, seconded by Chairman Rhodes to waive the First Reading of Ordinance to Amend Chapter 18, Article 1, Section 18-35 of the Official Code of Camden County, Georgia regarding Building Permit & Inspection Fees.

The motion carried unanimously.

D. Consideration of Approval of Resolution for E-911 Surcharge.

Vice-Chair Zell made a motion, seconded by Commissioner Sears to Approve the Resolution for E-911 Surcharge.

The motion carried unanimously.

E. Consideration of Approval for Contract for Maintenance Costs in Lieu of Rent Agreement with Gateway Behavioral Health Services.

Vice-Chair Zell made a motion, seconded by Commissioner Sears to Approve the Contract for Maintenance Costs in Lieu of Rent Agreement with Gateway Behavioral Health Services.

The motion carried unanimously.

F. Consideration of Approval of Setting Deadline to Receive a Budget for all offices under the Control the Sheriff.

Commissioner Berry made a motion, seconded by Vice-Chair Zell to Approve Setting Deadline to Receive a Budget for all offices under the Control the Sheriff which would require the Sheriff's Office Budget be submitted by 12:00 p.m. on August 21, 2007.

So Voted:

Chairman Rhodes- Aye

Vice-Chair Zell- Aye

Commissioner Rainer- Aye

Commissioner Berry- Aye

Commissioner Sears- Abstain

G. Consideration of Returning Drug Forfeiture/Confiscated Funds to Camden County Board of Commissioners.

Commissioner Berry made a motion, seconded by Vice-Chair Zell to Return all Drug Forfeiture/Confiscated Funds Accounts, any State and Federal monies under the Sheriff's control, check books and all bank records related to the Drug Forfeiture/Confiscated Funds Accounts to Camden County Board of Commissioners by 5 p.m. on Wednesday, August 8, 2007 or the County Attorney is Authorized to take the necessary legal measures to enforce this motion.

So Voted:

Chairman Rhodes- Aye

Vice-Chair Zell- Aye

Commissioner Rainer- Nay

Commissioner Berry- Aye

Commissioner Sears- Abstain

H. Consideration of Holding a Special Called Meeting to Adopt the School Board Millage on August 9, 2007 at 6:15 p.m.

Vice-Chair Zell made a motion, seconded by Commissioner Rainer to Hold a Special Called Meeting to adopt the School Board Millage on August 9, 2007 at 6:15 p.m.

The motion carried unanimously.

ADDITIONAL PUBLIC COMMENTS:

Vernon Copeland

Mr. Copeland stated that he has been paying taxes since he was eighteen years old and he is proud of Camden County. He stated that the agency he is most proud of is the Sheriff's Office and the work they have provided him over the years. He stated that he is thankful for the lady that spoke earlier in the defense of the Sheriff. He stated that the Sheriff deserves the right to sit down and work out the differences with the Board of Commissioners. He explained that he is sick of what he has been reading in the paper and there are a lot of politics circling right now. He stated that there are a lot of things that could be cut but law enforcement is not one of the departments that should be cut. He stated that whatever it takes for the Sheriff's Office to maintain law and order in this County he is all for it.

Sanford Feller

Mr. Feller stated that he would like to clarify Commissioner Sears stated earlier regarding blogs. He stated as the founder of the first political blog in this community he has had ninety thousand (90,000) hits over the last two and a half (2 ½) years and rising at the rate of four hundred (400) to five hundred (500) hits a day is some significance or people would not bother too see what these blogs out. He stated that in regards to Items F and G the Board of Commissioners took a pretty cavalier way of looking at it and he has no bias for the Sheriff's Office. He stated that what was heard tonight makes for good press and the JDA throws away a million and a half dollars (\$1,500,000.00) year in and year out but when it comes to the Sheriff he is accused of throwing money away. He stated that the Sheriff is a grown boy and will not roll over because Commissioner Berry said boo. He stated that the Sheriff will take the Board of Commissioners to court and he will bring the big guns.

Captain Wesley Walker

Captain Walker stated that he would like the Board of Commissioners to have considered State and Federal laws before making a decision regard the Seized Asset Fund and he recited the these laws to the Board of Commissioners. He explained that Commissioner Berry stated that the Sheriff's Office spent one million two hundred thousand dollars (\$1,200,000.00) in equipment but he would like for the taxpayers to know they have spent over one million dollars (\$1,000,000.00) on patrol vehicles not only for the Sheriff's Office but the cities of St. Marys and Kingsland as well. He stated that the Board of Commissioners needs to look at not just the bad but the good things the Sheriff has done with the Drug Forfeiture money to help the people of Camden County.

Vice-Chair Zell stated that she has no doubt that good things have been done with the Drug Forfeiture money and Coastal Georgia Community College has been the benefactor of many donations from that account. She stated that at this time the decision to take back the Drug Forfeiture money under the Board of Commissioners control is the right thing to do.

EXECUTIVE SESSION: Personnel

Vice-Chair Nisi Zell made a motion, seconded by Commissioner Rainer, and voted unanimously that this Board enter into closed session as allowed by O.C.G.A. § 50-15-4 at 8:17 p.m., and pursuant to the advice by the County Attorney, for the purpose of discussing Litigation. Commissioner Sears stated she would not be in attendance during Executive Session.

That upon conclusion of the discussion or deliberation in the closed session portion of the meeting that this body enter back into open session, open to the public, at which point an announcement will be made in the County Annex Meeting Room that this Board is back in session.

RECONVENE:

Vice-Chair Zell made a motion, seconded by Commissioner Rainer. The vote was unanimous to reconvene the meeting at 8:45 p.m.

Chairman Rhodes signed the affidavit as required by O.C.G.A. § 50-15-4(b). The original copy of the affidavit immediately follows these minutes and a copy is on file in the Executive Assistant's office.

No action was taken.

RESOLUTION OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS

BE IT RESOLVED by the Camden County Board of Commissioners as follows: At the meeting held on the 7 day of August, 2007, with the following Commissioners being present: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David L. Rainer; Commissioner Stephen L. Berry, the Board of Commissioners entered into closed session for the purpose of discussing Litigation. At the close of the discussions on this subject, the Board did agree to reconvene into open session and herewith takes the following action in open session:

- (1) The actions of the Board and the discussion of the same regarding the matter set forth for closed session purposes are hereby ratified.
- (2) Each member of this body does hereby confirm to the best of their knowledge, based upon the advice of the County Attorney, who was present during said closed session portion was devoted to matters within the exceptions provided by law and the specific relevant exception is the subject matter as set forth above.
- (3) The Chairman of this Board, or the presiding officer, is hereby authorized and directed and pursuant to the Resolution shall execute an affidavit, in full support of the members of this Board, in order to comply with O.C.G.A. § 50-14-4(b).
- (4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute, which shall be substantially as follows:

AFFIDAVIT AS REQUIRED UNDER O.C.G.A. § 50-14-4(b)

Personally appeared before the undersigned attesting officer duly authorized to administer oaths, Preston Rhodes, who, after being duly sworn, deposes and on oath states the following:

- (1) I was the chairperson/presiding officer of a meeting of the Camden County Board of Commissioners held on the 7 day of August, 2007.
- (2) The subject matter of the closed portion of the meeting which was closed for the purposes of discussing Litigation as allowed by the O.C.G.A. § 50-14-2 and § 50-14-3 was devoted to matters within those exceptions and as provided by law.
- (3) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4-(b) that such an affidavit be executed.

This 7 day of August, 2007.

Chairperson/Presiding Officer

Sworn to and subscribed before me
This _____ day of _____, 20____.

Notary Public

Those voting in favor of the Resolution:

Commissioners: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David L. Rainer; Commissioner Stephen L. Berry.

ADJOURNMENT:

Commissioner Sears made a motion, seconded by Vice-Chair Zell to adjourn the August 7, 2007 meeting. The vote was unanimous to adjourn the meeting at 8:46p.m.

Respectfully submitted,

Preston Rhodes, Chairman

Diana Smith, Executive Assistant/Clerk

