Coweta County Board of Commissioners

22 E Broad Street
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Called Meeting/Work Session

Minutes

Shannon Zerangue
Fran Collins
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July 17, 2024 | **9:00 AM** | **Commission Chambers**

Coweta County Board of Commissioners

Roll Call

Attendee Name	Title	Status
John Reidelbach	District 4 - Chairman	Present
Bill McKenzie	District 2 - Vice Chairman	Present
Paul Poole	District 1	Present
Bob Blackburn	District 3	Present
Al Smith	District 5	Present
Michael Fouts	County Administrator	Present
Kelly Mickle	Assistant County Administrator	Present
Sandy Wisenbaker	Assistant County Administrator	Present
Tod Handley	Public Works Administrator	Present
Nathan Lee	County Attorney	Absent
Fran Collins	Deputy County Clerk	Present

The Honorable Board of Commissioners of Coweta County, Georgia met in Called Meeting/Work Session on Wednesday, July 17, 2024 at 9:00 a.m.

Meeting Called to Order

Chairman Reidelbach called the meeting to order at 9:00 a.m.

Pledge of Allegiance

Chairman Reidelbach led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner Smith.

Regular Session

1. Discussion Regarding the Fiscal Year 2025 Budget

Administrator Fouts explained that staff is presenting a preliminary draft of the Fiscal Year 2025 budget (October 1, 2024–September 30, 2025) to garner feedback from the Board prior to finalization of the budget. The first step in the process is consideration of a millage rate followed by a proposed budget for Fiscal Year 2025. At the Called Meeting/Work Session held on April 18, 2024, staff presented preliminary numbers to the Board for review and to begin the process. Today's goal is to discuss the Board's direction regarding the millage rate. State law requires that this body set the taxing or millage rates by the end of August.

Administrator Fouts provided a history of the countywide net tax digest and millage rate trend since 2000 and the 2023 countywide digest by property class. He noted that 67% of the total digest is residential property, 19% is commercial, 6% is industrial, 3% is utility, and the remainder are smaller property types. Coweta County is largely a residential community with a small remaining portion of conservation and agricultural use which have declined over the years. He reviewed the 2023 millage rates adopted by the Board, including the General Maintenance and Operations (M&O) rate of 4.688 mills, Fire District at 2.90 mills, Fire Bond at 0.216 mills, for an unincorporated total of 7.804 mills. For incorporated property, only the 4.688 mills apply unless the municipalities have a contract with the County for fire services.

He explained that in 2023, the school system received $0.6638 of every dollar, the County General Fund received $0.2019, the County Fire Fund received $0.1250, and the County Fire Bond received $0.0093. He provided a high-level overview of data comparing the 2023 unincorporated millage rate of other similar sized counties, metro Atlanta communities, and similar services provided to those of Coweta County.

Administrator Fouts presented the 2024 countywide gross digest collected by the Tax Assessors' office and explained that the Tax Commissioner then provides the digest data to the levying authorities. He noted that the value of real property in the 2023 digest was just over $9 billion, the reassessment of existing property increased approximately 5.83% (approximately $533 million), and other changes to the digest totaled 1.74% (approximately $159 million), which represents new growth (new houses, pools, basement finishes, additions, etc.). The preliminary total for real property in 2024 is $9.8 billion. The rollback calculation allows the County to take the 1.74% or $159 million in new growth, but if any part of the increase in reassessment of existing property ($533 million) is used by the County, then it is considered a tax increase.

Administrator Fouts highlighted the following Fiscal Year 2025 initiatives and goals:

- Maintain current levels of service, programs, and operations
- Include merit increases
- Absorb health insurance inflation
- Fund a market adjustment
- Support critical personnel requests

In response to questions from the Board, Administrator Fouts explained that the projected increase in health insurance is approximately $1.3 million year over year or roughly 9-10%. The merit increases are based on performance evaluations.

Commissioner Smith explained that in his opinion, it is the consensus of the Board that salary increases for first responders are a priority, but may not be the top priority.

Chairman Reidelbach explained that salary increases for first responders would be part of a market adjustment.

Administrator Fouts explained that there are over 1,100 County employees and benchmarked against other communities, there exists an opportunity for all to receive an increase. By singling out one role or department, it becomes a challenge. In Fiscal Year 2025, staff suggests funding the merit increases and looking at applying a market adjustment for all employees.

Commissioner Smith pointed out that citizens should get used to hearing "tax increase" and it needs to be considered as a community because of how strongly the community depends on public safety. The County does not want to be in a pinch in providing those services. He also pointed out that citizens should not get offended if the market adjustment indicates that there will be a millage rate increase.

In response to questions from Commissioner Blackburn, Administrator Fouts explained that cost of living (COLA) increases have been approved by the Board from time to time in the past. The market adjustment is to address changes in the labor market (benchmarks), but it is the Board's decision whether to add a COLA in addition to or in lieu of the proposed market adjustment. Staff is looking at a 4-6% market adjustment depending upon the millage rate that is approved by the Board.

Assistant Administrator Mickle explained that the health insurance increase is based on a 10% increase in claims and a 5% increase in administrative fees based on estimates from the County's insurance broker. However, negotiations are ongoing. Last year, for the first time, the aggregate stop loss was reached and approximately $1 million was received back from the insurance company, which helped the fund balance in terms of the health insurance internal services fund. Staff is still evaluating options to potentially absorb some of the expected increase.

Administrator Fouts noted that the last part of the Fiscal Year 2025 initiatives and goals include the following:

- Fund necessary capital and debt service
- Maintain the Government Finance Officers Association (GFOA) recommended fund balance reserve between 15-50% (projected at 27% or $30 million)

Today's goal is to receive direction from the Board in order to advertise the proposed millage rate. He explained that there have been years in the past when the millage rate decreased from what was advertised. There are two (2) months' worth of additional work ahead and if it is the Board's desire to set the millage rate at a certain level, it could potentially be decreased before it is adopted in August.

Administrator Fouts compared the Fiscal Year 2024 and the preliminary Fiscal Year 2025 budget, including the change in revenue generated based on keeping the millage rate the same (4.688 mills). He explained that holding the millage rate the same would generate approximately $3.5 million more property tax revenue and, including the other revenue changes, the total revenue year over year would increase approximately $3.2 million.

In response to questions from the Board, Administrator Fouts explained the projected decrease in sales/use tax line is because of recent trends in the Local Option Sales Tax (LOST).

Finance Director Hans Wilson explained that there have been double-digit increases in LOST proceeds for several years, but it slowed last year to the 6-7% range year over year, and this year it is approximately 3%.

Administrator Fouts explained that regarding the decrease in the license/permit fee line, it is largely building permit fees that have also trended down in 2024.

In response to a question from Commissioner McKenzie, Administrator Fouts explained that the contract with SAFEbuilt is written so that they receive 65% of the permit revenue as their fee for services.

Commissioner McKenzie expressed that his constituents are concerned about all the new construction taking place, but the numbers do not back that up. He pointed out that it also seems more difficult to get permits and go through the rezoning process.

Administrator Fouts explained that rezonings are still occurring, but this is not as strong as what was seen in the past. It is the same for sales use/tax, and he does not believe the permitting/rezoning process has any effect on the license/permit numbers.

In response to a question from Commissioner Blackburn, Administrator Fouts explained that the Board previously approved an impact fee program and then in 2012 reduced impact fees to 50% because of concerns about hindering development. In 2013, the Board abolished the impact fee program altogether.

Commissioner McKenzie commented that he would like to see an impact fee program put in place again but wants to understand the process beforehand. He believes there must be a way to help fund the County's services.

Administrator Fouts explained that State law establishes the process to adopt an impact fee ordinance and that typically a consultant performs the analysis to develop the program. Legally, the County cannot collect impact fees and apply zoning conditions, so it would have to be analyzed to determine which one would provide the best benefit in the long term.

Public Works Administrator Handley pointed out that when the impact fee program was in place, only $2.5 million in transportation fees were collected in total. Since the law requires designation of which project those fees are applied to, those fees were designated for the Poplar Road Interchange. Essentially, during the whole time the impact fee program was in place, it only paid for engineering on the Poplar Road Interchange project.

Assistant Administrator Mickle explained that for all categories, $7.8 million in impact fees was collected between 2006 and 2016.

Commissioner Poole noted that in the past not all Board members have supported impact fees.

Commissioner Poole and Commissioner McKenzie expressed concerns regarding inflationary growth and the impact on the citizens of Coweta County.

Commissioner Poole expressed that all employees are important, from those that sweep the buildings to those that save lives, and the Board must keep that in mind also.

Commissioner McKenzie explained that to do what the Board wants to, it will require an increase in the millage rate because impact fees cannot be relied upon. It is an issue that needs to be addressed and instead of collecting everything through property taxes, the Board should include fees on all the developers that want to come to the county. Staff does a good job of putting the budget together, but the Board must find a way to fund it.

Public Works Administrator Handley added that with an impact fee program, the area of use must be defined ahead of time. For example, if the Del Webb project had to pay impact fees, the funds would not go toward the roadway improvements at Baker Road, Posey Road, and Hollz Parkway. They would have been applied to some other project identified elsewhere.

Commissioner Blackburn explained that there was a ten-year recession from 2007 and that is why the Board abolished the impact fees. Now, inflation is high and impacting everyone.

In response to questions from Commissioner Smith, Administrator Fouts explained that approximately $25.5 million is collected from sales/use tax under LOST, which is one (1) penny of the 7% collected in the County. The $25.5 million from LOST directly reduces property taxes. When LOST is approved by the voters, it does not have to go back on the ballot unless the local governments fail to renegotiate allocation of the funds every ten (10) years. The County has been fortunate to have a strong sales tax because it is a retail destination compared to some of the neighboring communities.

Finance Director Wilson pointed out that the one (1) cent collected from LOST represents approximately 2.5 mills.

Commissioner Poole explained that when the Transportation Special Purpose Local Option Sales Tax (TSPLOST) was defeated by voters, it hurt the County. He pointed out that the Sullivan Road project is costing the County $7 million.

In response to a question from Commissioner Poole, Public Works Administrator Handley explained that the left-hand turn lane project under construction at Hwy 154 was a GDOT quick response project and cost approximately $250,000, of which the County's portion was $50,000.

In response to questions from the Board, Administrator Fouts explained that the County and the cities worked together to plan for TSPLOST, performed public education events, and adopted a joint resolution. However, later that year there was a citizen effort to increase the senior exemption for the school tax and after several months of research, the School Board decided to place the matter on the same referendum. It had a huge impact and TSPLOST was defeated. He also explained that in the proposed 2025 budget there is $2 million for asphalt. Currently, all road maintenance is funded from SPLOST. The 2025 SPLOST includes $100 million for transportation.

Assistant Administrator Mickle explained that in looking at the amount the County spends on maintenance and road projects from SPLOST, it is currently over extended.

Administrator Fouts explained that the County will have to pull back on road maintenance over the next couple of years to balance the SPLOST budget, which is why staff is trying to add money to the operating budget to pay for asphalt. In 2009, there was $6 million in the General Fund operating budget.

In response to questions from the Board, Public Works Administrator Handley explained that since 2009, construction and material prices have more than doubled. The current cost for contracted resurfacing is $300,000 per mile, and the use of in-house and inmate labor to perform this task is cheaper.

Administrator Fouts explained that staff is projecting a $119.8 million budget over the $110 million budget from last year, which leaves a deficit of approximately $8.5 million. He reviewed the primary drivers of the increase, including merit increases of $2.3 million, health insurance increases of $1.3 million, pension lump sum payment of $1 million, payment of $450,000 to the Defined Contribution retirement plan, significant increases to the general liability, property insurance, and software maintenance contracts, $2 million for asphalt for road maintenance, and $1.9 million for other operating increases (fuel, postage, etc.). He also explained that two (2) items not included in the proposed budget are a 6% market adjustment for employees (approximately $44.6 million) and $1.2 million for new personnel requests (approximately 30 new employees). Lastly, the projected budget total (with additional considerations) would be at a deficit of $14 million.

Assistant Administrator Mickle explained that the $1.2 million in new personnel requests is only for 6-months of the cost of the additional employees, as they would be hired mid-year.

Finance Director Wilson explained that for the second consecutive year, the fines/fees/and forfeitures line has decreased, which is related to fees and taxes from mortgages and refinancing. In 2023, fees from mortgages and refinancing totaled $2.3 million and in 2025, it is estimated to decrease to $1.7 million because of fewer new mortgages and/or refinancing. Lastly, revenue from the Local Option Sales Tax (LOST) has been essentially flat.

Administrator Fouts briefly reviewed revenue and expenditures for the Fire Fund, including planned use for Fire Stations # 5 and # 10, and for some non-SPLOST capital. Additional considerations not included are a 6% market adjustment for employees and new personnel requests.

He briefly reviewed the 2024 preliminary countywide digest (approximately $10 billion), the revenue generated from property taxes if the roll-back millage rate (4.439 mills) is approved, and other millage rates associated with tax revenue. Staff is looking for direction from the Board so that the Public Hearings regarding the millage rate can be advertised.

In response to questions from the Board, Administrator Fouts explained that there was $159 million in real growth. To fund all the items discussed earlier, it could require around 5.9 mills to acquire an additional $14 million to cover the preliminary budget. The Board can make decisions as to what budget items are approved.

In response to a question from Commissioner Poole, Administrator Fouts explained that the County pays 95% of the cost of employee health insurance with the employees paying 5%. In reviewing other counties, the benchmark is typically 85% funded by the County with 15% funded by the employee.

Assistant Administrator Mickle explained that for years the County paid 90% of health insurance costs and employees paid 10%, but it has remained unchanged for years. The County has absorbed increases every year which has reduced the employee contribution to 5%.

Administrator Fouts explained that also during that time, the County had a "richer" insurance plan but moved to a plan with higher deductibles. Some employees do not understand the benefit of health insurance to their total compensation and strictly look at pay. Staff is proposing to absorb the insurance increases again, but that is up to the Board.

He explained that based on the 2024 digest, the average home value in Coweta County is $350,000. He modeled various millage rates (without exemptions) and the net increase in taxes over the rollback millage rate.

Assistant Administrator Mickle pointed out that just because a higher millage rate is advertised, does not mean that is the rate that will eventually be adopted by the Board. If advertised higher, staff can continue to work through some of the issues, and ultimately recommend a lower rate for consideration by the Board to adopt in August. Validation of the budget and negotiations with the health insurance broker still need to occur.

Administrator Fouts also noted that in January 2025, the Coweta County Superior Court Judicial Circuit split will occur, and the Board recently approved the addition of employees associated with the split. The total cost of all the judicial changes will be approximately $800,000. Additionally, what is not included in the proposed budget is a request for a $500,000 increase from the District Attorney and an increase from the Public Defender's office.

In response to a question from Commissioner McKenzie, Chief Deputy Milton Beck explained that the current cost to keep a defendant in jail is approximately $70 per day.

In response to questions from the Board, District Attorney Herb Cranford explained that approximately 90% of cases are resolved with 10% going to trial. He has lost 24 Assistant District Attorneys (ADAs) since 2020 (100% attrition) and it takes a new ADA approximately 30-60 days to prepare a case depending on their level of experience.

Chairman Reidelbach pointed out that losing ADAs has a large financial impact on the DA's office, the Sheriff's Department, the jail, the Clerk's office, all impacting the County's budget.

In response to questions from the Board, Administrator Fouts explained that retaining employees is important and turnover is a big number and is experienced in all departments. The County tries to offer competitive benefits in addition to pay. Since Coweta County is close to Atlanta, some people commute there for higher wages, and the County cannot compete with the Atlanta market salaries. Comparing the County to the City of Newnan is not similar because the City is composed of 19 square miles with approximately 300 employees versus the County's 441 square miles and 1,100 employees.

Chief Deputy Beck explained that he does not know what the magic number is to pay a police officer, deputy sheriff, or a firefighter that risk their lives every day. From a public safety standpoint, offering a competitive package is important to retain individuals. He also feels that once they get someone hired, they have the personnel, supervision, and leadership to help retain that person, and if you can retain employees, you do not have to recruit new ones. He requested that in setting the millage rate the Commissioners consider raises for all employees, especially for those in public safety. The Sheriff's Office is requesting a financial package that will get applicants to the door.

In response to questions from Chairman Reidelbach, Chief Deputy Beck explained that currently there are over thirty (30) vacancies at the Sheriff's office and that he is willing to pay a higher millage rate as a taxpayer in Coweta County.

Fire Chief Robby Flanagan explained that he is slotted for 241-246 employees, and Fire Rescue currently has approximately thirty (30) openings. Over the past year, they have expanded by offering a variety of ways to bring in employees, including hiring paramedic-only employees that are not firefighter certified to operate the EMS ambulances countywide. Another was to offer EMT only positions that are not firefighter certified. All the County's firefighters are required to have a minimum EMT certification. The City of Newnan has four (4) fire stations. Their staff are also EMT certified, but the County provides the EMS service. It takes approximately eight (8) months to train an EMT employee to become a certified firefighter. In 2023, he had a total of 217 employees, they hired over fifty (50) employees, and now he has 214. He also just received notice today of another employee's resignation. He understands that the Board has worked hard to support the Fire Rescue Department and have given them opportunities to find various ways to recruit employees. He explained that so far, in 2024, they have lost twenty-one

(21) employees, in 2023, they lost twenty-seven (27) employees, and in 2022, they lost twenty-three (23) employees. Most of those that left stated it was because of better pay elsewhere. Lastly, he explained that the challenge is to keep pay competitive with the market, which is up to the Board.

In response to questions from the Board, Chief Flanagan explained that they have trained fifty (50) new employees this year, and they have also lost more than fifty (50). The ones that have left are a mixture of new employees as well as some that have been with the County longer. It can cost approximately $80,000, including salary, benefits, and training costs, to train a new recruit. He pointed out that retaining people that have on-the-job experience is extremely important. It takes experienced people on a scene for emergency responses to go well. In the next five (5) years, when the more experienced employees are ready to retire, the number of ten (10) – fifteen (15) year employees that can move up is dwindling.

Administrator Fouts pointed out that in the late 1990s, the County implemented a step schedule with automatic percentage increases. In 2016, the Board supported a comprehensive pay classification and salary study conducted by a third party consultant. In 2017, a plan was implemented and every year since that time, adjustments have been made and new performance standards have been implemented. The 2020 pandemic affected the globe, and there are a multitude of other reasons why employees choose to leave. He agrees with Chief Milton and Chief Flanagan that the County needs to remain competitive and perhaps should explore establishing a benchmark of its comparators regarding pay and benefits. In addition, there has been a bidding war with other local governments and the interest in public safety careers is just not there. Also, there is a gap of middle-tenured employees in public safety and other departments as well.

In response to a question from Commissioner McKenzie, Community and Human Resources Director Patricia Palmer explained it is difficult to force people to come in for an exit interview, but those that have come in indicated they are leaving for better opportunities or different careers.

Deputy Chief Beck explained that most of their employees have said it is for better financial opportunities or a better career path, and Chief Flanagan explained that the majority of the time, his employees have left for financial opportunities.

In response to questions from Commissioner Smith, Chief Flanagan explained that the County did have a joint firefighter training center with the City of Newnan located on Greison Trail, but since the City rebuilt their facility, the County is no longer able to utilize it. The old burn building was moved over to Selt Road for now and they are using the Clay Wood Center to conduct training. Lastly, students who have taken their EMT training classes at places like West Georgia Tech and Faithful Guardian, perform their clinical rides in the County's ambulances.

In response to a question from Commissioner Smith, Administrator Fouts explained that prior to the City of Newnan's decision to build their own fire training facility, there was a joint operating agreement for the County to use their facility on Greison Trail. The County has not made a formal request to continue using the new facility.

Chief Flanagan explained that the City of Newnan has grown to four (4) stations, the County has fifteen (15) stations, and the City's training center isn't large enough to support all of them.

Coweta Judicial Circuit District Attorney Herb Cranford gave a brief presentation regarding the new Coweta Judicial Circuit, which will include Coweta County, Meriwether County, and Troup County. He explained that the split will begin on January 1, 2025, and State funding for the new circuit will cover eight (8) Assistant ADAs, one (1) Investigator, one (1) Victim’s Advocate, and two (2) Legal Assistants. He highlighted issues facing the DA's office including increasing crime associated with an increasing population, caseload backlogs from the COVID pandemic, employee turnover, and the effect of the case backlog on victims and offenders. He also explained that the speed at which cases are resolved directly impacts the amount of money spent on inmates at the jail. He presented a graph representing the number of felony cases received from law enforcement from 2012-2023 in Coweta, Troup, and Carroll and the projected number of cases for each in 2024. He explained that since 2020, twenty-four (24) full-time ADAs have resigned for various reasons, with only six (6) remaining, and believes that most are leaving for lower caseloads and/or higher pay. Currently, there are 3,874 open cases in Coweta, including fifty (50) serious felony cases. In closing, he requested that for 2025, the Board approve an appropriation totaling $1,802,824. This represents a $583,000 increase; $447,100 for raises, and $136,000 for a Juvenile Court ADA.

In response to questions from the Board, DA Cranford explained that all budgeted monies are initially run through the Prosecuting Attorneys Council (PAC). PAC retains a percentage of funds to pay for State benefits for the employees, then returns funds to the DA's office. He explained that he is open to having a discussion regarding new employees being hired as County employees instead of State employees. The State provides funding for eight (8) Assistant ADAs, one (1) Investigator, one (1) Victim’s Advocate, and two (2) Legal Assistants. He is willing to provide the amount of funding received from the State for those positions and the monies received for a travel budget. He also explained that he does have a fund balance (from vacancies).

Administrator Fouts explained that the concept of transitioning the DA's employees to County employees has been discussed in the past. Staff is willing to consider hiring the DA's new employees as County employees. However, the DA would have to adopt the Employee Handbook and all the policies established within it. Earlier in the year, he received information from DA Cranford that indicated the State was only providing approximately 35% of the 5-county circuit's overall budget, and the 5-counties were subsidizing 65% for a State agency.

Chairman Reidelbach explained that in order to make an informed decision and for transparency, the Board would need to know the amount of all monies provided by the State, and any funds remaining in the DA's fund balance from vacancies.

DA Cranford explained that he would be happy to continue discussions with the Administrative team.

Chief Public Defender Rick Samper explained that the Superior Court Public Defender's office will provide their presentation to the Board at a meeting in August.

Public Works Administrator Handley explained that up until 2009, the budget included $6 million in the General Fund for asphalt, when it cost half as much as it does today. It is important to include some funding for road maintenance back into the General Fund and staff is asking for $2 million so that they are not so reliant on SPLOST. He explained that quarterly pricing is obtained from 3-4 local asphalt plants in the area, County forces and inmate labor are utilized, and $2 million worth of asphalt will cover approximately 14 miles of paving.

Chairman Reidelbach recommended an increase of 1.5 mills over the current millage rate of 4.688 mills, and that the proposed millage rate be advertised as 6.188 mills to support the draft budget and additional considerations as proposed by staff.

It was the consensus of the Board to advertise a proposed millage rate of 6.188 mills for 2024.

In response to a question from Commissioner Poole, Administrator Fouts explained that historically, the Board has been very conservative while providing good services. The workforce issues are a challenge, and he supports paying more and doing more for employees.

Commissioner McKenzie expressed concerns regarding senior citizens who are living on a limited fixed income, and for employees who are trying to make a living and support their families. He has received emails in support of Fire Rescue and their efforts. However, he also receives emails from those that do not want any tax increase, no matter what it is used for.

3. Discussion Regarding Solid Waste Operations

Administrator Fouts provided a brief overview of the compactor site program. The "pay as you throw" program includes two (2) different sized bags that citizens can purchase then dispose and/or recycle at one of ten (10) compactor sites located around the county. He displayed a map indicating the County's compactor site locations and hours of operations. He explained that there are three (3) 56-hours per week sites, two (2) 32-hours per week sites, one (1) 16-hours per week site, and four (4) 8-hours per week sites. He further explained that for the last five (5) years, the program was brought in-house and part-time employees were hired to man the facilities. He displayed photographs of the Andrew Bailey and Lora Smith sites and explained that there are some investments needed at all sites. He compared the volume of trash and recyclables received at the 56-hour sites (Andrew Bailey, Lora Smith, and Selt Road) and the 32-hour sites (Herring Road and Welcome Road), in 2021, 2022, 2023, and through July 2024.

Environmental Management Director Matt Lovett explained that currently 60% of the visits at most compactor sites are for recycling, with 85% of visits at some of the Saturday 8-hour sites being recycling.

In response to questions from the Board, Mr. Lovett explained that currently, only metals are sold and everything else is picked up by AmWaste. In the past, everything was sold to a local salvage yard, which went out of business a couple of years ago. In order to sell or broker the commodities, infrastructure needs to be in place and the sites need balers and compactors. When prices are high, it can then be sold at a small profit. In his opinion, the best course of action is to incorporate everything (except metals) into the new solid waste contract with AmWaste.

In response to questions from the Board, Administrator Fouts explained that the Solid Waste Fund was operating in the black until a fire occurred at the transfer station, which consequently had to be rebuilt. Several years ago, the cost of bags was increased, hours of operation were reduced at a few sites, and a few sites were shut down because of very low utilization. The issue at hand is if people are not purchasing bags and 80% is recycling, the program isn't receiving revenue and is also having to pay for hauling everything away from the transfer station.

Commissioner Poole explained that the program is needed to keep the county cleaner.

Mr. Lovett pointed out that there is quite a difference in activity between the 32-hour sites at Herring and Welcome Road, and the activity at the Selt Road site lags behind the other 56-hour sites at Andrew Bailey and Lora Smith Road. With the Board's direction, hours at those sites may be adjusted because of the lag in activity, especially at the Selt Road location.

In response to questions from the Board, Mr. Lovett explained that the Welcome Road facility averages between 70-90 visits on Mondays and Wednesdays, which averages out to 6-8 visits per hour. He also explained that citizens can purchase a 32-gallon bag for

$3.00 and 16-gallon bags for $1.50, and that in 2022, the County sold $200,000 worth of bags.

Administrator Fouts explained that if the Board wishes to continue the compactor site program, significant improvements are needed at a few of the sites to accommodate increased volume. He recommends that improvements be made at the Andrew Bailey and Lora Smith sites. In addition, AmWaste recently approached staff regarding entering the recycling market and assisting the County with infrastructure; therefore, staff is working on a proposal for the Board to consider in the future. AmWaste has expressed interest in using the existing pad at the transfer station, installing a baler, and using other equipment onsite so that they could go directly to the market to sell it as a commodity. An extra step would be to use similar equipment at compactor sites to make it even more efficient. Further conversations would be necessary with AmWaste and then decisions would be made about which sites could accommodate the equipment. A grant application submitted by staff in 2023 to purchase a glass crusher was unsuccessful. Lastly, staff is looking for the Board's direction regarding whether the activity at the sites indicates that a reduction in hours is needed, whether some sites need to be closed, or whether some sites can possibly be consolidated.

Chairman Reidelbach expressed that the Board should listen to AmWaste's proposal before any further discussion or decision.

Commissioner Smith expressed that the compactor site program is a service provided for the community and should not be operated for a profit. It should remain as affordable for citizens as possible.

Finance Director Wilson explained that the County is subsidizing the program.

Administrator Fouts explained that the Solid Waste Fund operated in the red for several years, then changes were made, and the program started operating in the black. Following the fire at the transfer station, the County's insurance paid $250k, but the total project cost was $1 million. The County covered the additional cost. The lack of recycling revenue along with increased use have impacted the Fund over the last few years.

Public Works Administrator Handley explained that funds from selling bags are used to help pay for manning the sites, as well as hauling and disposal of materials.

Administrator Fouts explained the transfer station located at 164 Essie Mae Walker Road operates Monday-Friday from 9:00 am-4:15 pm (must be inside the gate by 4:00 pm) and from 8:00 am-2:45 pm on Saturday (must be inside the gate by 2:15 pm). Staff is seeking to extend Saturday hours to align with weekday hours.

Mr. Lovett explained that during the week there are typically 175 transactions and on

Saturdays with fewer operating hours there are 200–250 transactions. In addition, he has received complaints from citizens regarding the early closure time on Saturdays. He is asking that the Board to consider extending Saturday hours to 4:30 p.m.

Commissioner Pool noted that most of the work at the transfer station is done by inmates.

Administrator Fouts explained that Warden Clifton also supports extending Saturday hours. AmWaste recently requested consideration to allow a private hauler to bring in three (3) truckloads three (3) days a week between 6:00 a.m.-9:00 a.m. which would be an exception to the hours of operation. Staff believes that if a private hauler is allowed to do so, then the transfer station should be open for any private hauler to utilize during that time. This issue will be placed on the next agenda formally requesting that the Board extend Saturday hours at the transfer station and to open early during the weekdays.

2. Discussion Regarding Proposed Amendments to Chapter 2. Administration of the Coweta County Code of Ordinances

Assistant Administrator Wisenbaker explained that she joined the Administrative team in January 2024 and updating Chapter 2. Administration of the Coweta County Code of Ordinances was assigned to her. In addition, the Boards, Authorities, and Committees (BAC) manual ties into the amendment of Chapter 2 and the intent behind it. The BAC manual will serve as a guide for those appointed to various boards/authorities/committees regarding rules and expectations. In addition, there was the desire to readdress the ethics portion of the existing Code of Ordinances which had not been updated for a couple of decades.
She briefly reviewed the following sections along with proposed changes to each:

- Article 1 - In General. Added the designation of the Open Records Officers to the Open Records Ordinance.
- Article 2 - Board of Commissioners. Moved "Election of the Chairman" to this section, adding "Responsibilities and Code of Conduct for Commissioners" to this section, replacing the current "Code of Ethics", and moving the "Benefits" section.

Assistant Administrator Wisenbaker displayed the current Code of Ethics for Commissioners (codified in 1985), explained it is very generalized, and noted that the proposed Code of Conduct is intended to establish a code of conduct for Commissioners that guides their actions and responsibilities as they serve the citizens of Coweta County. The Code of Conduct includes the categories of governance, strategic planning, community relations, policy development, Board meetings, preparation, and personnel.

In response to questions from the Board, Ms. Wisenbaker explained that the Code of Ethics was moved from Article 2 to Article 5 and will be applicable to all boards, authorities, and committee members. This will provide members with rules to follow and have an accountability component, since they are not currently sworn in. Article 2. Responsibilities and Code of Conduct is applicable to the Board of Commissioners. She explained that if the Employee Handbook needs alignment with any of the proposed amendments, this can be accomplished and is an appropriate next step. However, the proposed amendments would need to be in place beforehand.

Chairman Reidelbach noted that he has reviewed staff's proposed changes and would like to meet to discuss his notes as well as those of Commissioner McKenzie instead of going through every section.

Administrator Fouts explained that the value of discussing the issues today is to garner input from all the Commissioners at one time and for staff to have some direction. In addition, most of the Code of Ethics was adopted in 1985, prior to the tenure of staff and the Commissioners in attendance. Therefore, staff is asking to bring the Code of Ethics in line with how the Board operates, and to clarify some areas, because staff receives questions from the Board and the public from time to time.

In response to a question from Commissioner Blackburn, Administrator Fouts explained that in the current Code of Ethics item number (7) regarding appraisal of real estate and personal property is applicable to the Board of Assessors. This is one of the reasons the Code of Ethics (codified in 1985) needs to be updated.

Commissioner Smith commented that the Code of Ethics presumes that the person it is directed toward is a person with moral character. In today's climate, a person can be a rogue Commissioner so there needs to be a mechanism to remove that person if he/she violates ethics or lacks morals, honesty, integrity, etc.

Assistant Administrator Wisenbaker fielded questions from Chairman Reidelbach regarding the proposed amended and new sections, explained that quasi-judicial means making a decision and applying existing laws (ordinances) to specific facts, and the power of the Board is as a whole body, with a vote going to the majority.

Commissioner McKenzie commented that since there needs to be more discussion, the issue should be brought back after the first of the year to give Commissioner-Elect Jeff Fisher an opportunity to discuss it.

Assistant Administrator Wisenbaker explained that she respects the logic in waiting until the beginning of next year; however, she cautioned about delaying the proposed amendments any further for that consideration because there are other matters that also need to be addressed.

In response to a question from Commissioner Smith, Administrator Fouts explained that currently the rotation of the Chairmanship is from District 1, then 4, then 3, then 2, and 5.

A district is skipped if the Commissioner does not meet the 2-year minimum experience requirement. There will not be a change to the rotation, it is just being moved to another area in the Chapter.

Assistant Administrator Wisenbaker briefly reviewed amendments to the following sections:

- Article 3 - County Administrator. The intent is to establish a list of powers and duties for the County Administrator and to remove the unnecessary Assistant Administrator section. The amendment will bring the Administrator's section up to a more current and real-world process.
- Article 4 – Officers and Employees (no change).
- Article 5 – Ethics. This section has been updated from the existing Code of Ethics (codified in 1985) which did not have an enforcement component. In addition, it is currently only applicable to Commissioners and should include appointees to various boards, authorities, and committees.

In response to a question from Commissioner Smith, Ms. Wisenbaker explained that the annual financial disclosure with the State's Ethics Commission does not apply to appointees to various boards, authorities, and committees. The intent is to ensure that those appointees do not have any financial conflicts with the entities affected by the decisions they are making. It also serves a basis for disciplinary actions for those in violation of the terms, establishes guidelines for all those officials whose actions are incompatible with the interest of the County, and encourages high ethical standards in official conduct by County officials.

Commissioner Smith pointed out that Commissioners cannot be fired because they are elected, and there is not a mechanism to remove that Commissioner from office. Also, there could be lawsuits filed by those being disciplined.

Ms. Wisenbaker explained that there are different consequences contained within the Article including public reprimand, public censure, and a request for resignation from the Board. If it is an appointee, the Board could just vote to remove them in most instances. If a lawsuit were to be filed, that is why there is due process. Rules would be in place, and if a BAC member takes an oath and violates the rules, there could be an impartial panel that hears evidence. The BAC member would have an opportunity to be heard, and if the impartial panel found a violation of the rules, there would be a consequence. The BAC member would then have the right to file an appeal. If due process is followed, then there would not likely be a lawsuit. In closing, she explained that a Commissioner cannot be fired, but the Board could ask them to resign.

Administrator Fouts explained that early in the process, staff briefly spoke with the County

Attorney. Some jurisdictions use a third party to vet ethics violations, some go to the Board of Commissioners for a final determination, but ultimately an elected official cannot be removed from office. What can be done is a public notice of what occurred, a fine levied; however, publicly requesting a resignation is usually enough.

Assistant Administrator Wisenbaker fielded questions from the Board regarding whom the Code of Ethics applies to and whether employees fall under this category. She explained that employees are subject to the policies established in the Employee Handbook. She also explained that if there were a challenge to an ethics violation filed against a Commissioner, the challenge would go to an outside entity such as an Ethics Board.

Ms. Wisenbaker briefly reviewed prohibited conduct and explained that the proposed Code of Ethics includes conflicts of interest and disclosures that are governed by federal and state law, and public contracts. She highlighted steps for complaints about violations of the ethics provision including what the complaint must contain, the process upon receipt of the complaint, the appeal process, penalties, consequences, enforcement mechanisms, and handling of frivolous complaints. She requested direction from the Board regarding their choice of enforcement mechanisms as presented.

Following a brief discussion, Ms. Wisenbaker explained that meetings regarding the Code of Conduct and the Code of Ethics can be scheduled with the Commissioners to discuss their concerns.

Commissioner McKenzie commented that his understanding of what is being proposed is that it would be unethical or improper if a County employee that lives in his district called him to discuss something going on with them. Also, if he notifies the Administrator, then the Administrator could take action against himself (Commissioner McKenzie) and the employee.

Ms. Wisenbaker explained that that would not be an ethical violation, it could be a Code of Conduct violation, but she would need to know the scenario.

Administrator Fouts explained that the current language as drafted speaks to Commissioners refraining from directing employees to do a certain job or task, and there isn't any language preventing conversations between employees and Commissioners.

Chairman Reidelbach explained that he recently called Public Works Administrator Handley and requested a copy of a traffic study that was performed by a third party, and he felt it would be a waste of the Administrator's time to go through him.

Ms. Wisenbaker explained that the concerns are if someone like Public Works Administrator Handley is receiving numerous requests regarding the same issue, then he is being disrupted 2-3 times. If the Commissioners went through the Administrator, then he can funnel those into a single communication with Mr. Handley. She also explained that, as a former elected official, people treat elected officials differently, and an employee is going to treat the concern like an emergency, stop what they are doing, and give it their full attention. The intent is to lessen the disruption to employees.

Commissioner McKenzie explained that he receives numerous calls, and his constituents expect him to have the ability to call the right person and ask them to investigate an issue. Many times, a citizen will not call the department directly, or sometimes they call him after making numerous attempts to call a department, then he will get involved. His constituents expect that level of service, and he does not want that to turn into a violation of the rules.

Administrator Fouts explained that as a form of government, the Board's level of interaction with staff should be limited. For example, if a Commissioner calls an employee in Community Development and asks them to look at something, they would stop what they are working on to address this single Commissioner issue. Meanwhile, two (2) other Commissioners call regarding a similar situation and if the Administrator's office does not know it is happening in the background, then staff may be headed down a different path. All Commissioners should be able to have the same information to discuss the issue. There have been situations in the past where Commissioners would promise things to employees at the lower level, the employee went to their Director, and the Director questions why the employee is having a conversation with a Commissioner first.

Chairman Reidelbach commented that Administrator Fouts is busy, and he (Chairman Reidelbach) should be able to reach out to a department for a simple question.

Administrator Fouts explained that is why the Administrator's office is there and if he is in a meeting, any of the Administrators can address questions. The language currently states that "the individual Commissioner shall refrain from directing any Department Director or an employee to do a certain job or task. Individual requests shall be directed to the Administrator. Again, the language does not state that the Commissioners can speak to employees and the Board needs to decide at what level they are going to operate.

Assistant Administrator Wisenbaker briefly reviewed the following:

- Article 6 - Finance. This section is for the addition of a Fund Balance Policy. The intent of this new section is to establish minimum levels for designated funds to ensure stable service delivery, meet future needs, and to protect against financial instability. The fund balance policy is recommended by the Governmental Accounting Standards Board (GASB), the Government Finance Officers (GFOA), and rating agencies such as Moody's, Standard & Poors, etc. The policy sets forth that the target for the unassigned fund balance category is 30-35% of budgeted expenditures.

Assistant Administrator Mickle fielded questions from the Board regarding the current percentage in the unassigned fund balance category and the projected percentage for Fiscal Year 2024.

Administrator Fouts explained that the Government Finance Officers Association (GFOA) recommends 15-50% because every local government is different in services provided. The spend down that Ms. Mickle mentioned was for unique land purchases the County has not made in twenty (20) years, the jail expansion project, etc. Also, every time the County does a bond rating, one of the questions asked on the ratings call is if the County has a fund balance policy, and the answer is no. Having a policy would help with future credit ratings.

Ms. Wisenbaker provided an example of a minimum unassigned fund balance level of 25% and explained that if the County falls below that, then the fund balance would need to be replenished in the General Fund as part of the following year's budget. In case of large, unexpected expenditures, the Board can elect to restore the fund balance to the minimum level within a five (5) year period. She also explained that the current unassigned fund balance is 27% (based upon current information).

She briefly reviewed the following:

- Article 7 - Communications and Branding. Communications and Branding will be removed from this section and a separate Communications Policy in and of itself will be submitted at a later date. The purpose of the Communication section is to establish guidelines that provide the foundation for efficient, effective, timely, professional, and transparent communications with the Coweta County internal and external stakeholders, media, residents, and the general public. For media relations, direct media communications must go through the Communications Manager. The Communications Manager then identifies and utilizes subject-matter experts, and limited public safety emergency exceptions are addressed in the policy. For social media, there are some individual departments that are responsible for their social media pages and the intent is to have some uniformity, consistency, and control of content. Constitutional Officers or elected officials are not included in the policy. The policy also sets forth an approval process, content management, moderation of external comments and, if approved, would be posted on the County's website for internal and externals, and it also covers unacceptable comments on a post that are maintained for open records retention. In closing, Ms. Wisenbaker explained that Chapter 2 is very important and would like direction from the Board after the individual meetings are held with the

Commissioners that have concerns and the final draft is sent out.

Adjournment

There being no further discussion, it was the consensus of the Board to adjourn the meeting.