

SPECIAL CALLED MEETING

The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 in the Courthouse Annex, Thursday, January 13, 2011, beginning at 11:04 a.m. with Chairman Freeman presiding over the meeting. Commissioners Raymond Ray and Chipper Gardner were also in attendance. Commissioners Gilreath and Flowers-Taylor were not in attendance. Also present were Interim County Manager Tim Whalen, Deputy County Manager Virginia Beams, Attorney Jim Fortune and Executive Secretary Glinda Robertson.

I. OPENING (CALL TO ORDER) – Chairman Eddie Freeman

- a. Discussion of the Deputy County Manager position.

Commissioner Gardner had questions regarding the Deputy County Manager Ordinance and the Deputy County Manager Job Description. He believes the Assistant County Manager Job Description better reflects the responsibilities and duties that he would like to see with this position.

Commissioner Ray questioned Jim Fortune on the items listed on the Job Description indicating how the Deputy County Manager supervises, directs and evaluates a list of directors and supervisors and their assigned staff handling all employee concerns and problems. Mr. Ray asked if this is on a day-to-day basis. Mr. Fortune stated it is not. He further stated the ordinance says the functions will be performed in the absence of the County Manager. He commented this was to ensure the continuity of command in the event something happened to the County Manager. Mr. Fortune stated the Deputy County Manager works for the County Manager and the Board. He does not see this as being much of a change from being the Assistant County Manager. Mr. Fortune stated the day-to-day duties are identified through the County Manager.

Mr. Whalen asked about the departments that are not listed in the ordinance. He asked who would assume control of those departments in the absence of the County Manager. Mr. Fortune stated even though those departments are not listed in the ordinance, the whole point of having a Deputy County Manager is to have someone to step in if something happens to the manager. This should include all the duties of the County Manager. Mr. Fortune further stated the intent is not to create two County Managers but is to have a position that will take over in the event there is not a County Manager.

Mr. Gardner stated the ordinance as written has added to the confusion because it spells out specific departments to be directly supervised by the Deputy County Manager. He further stated it looks like it was divided down the middle and the County Manager has certain departments to supervise and the Deputy County Manager has another list of departments. Mr. Fortune stated that was never the intent.

Mr. Freeman stated he does not feel like this was the intent; however it is there. He feels like any business that goes on in the county should be handled by the County Manager and he should delegate it down. Mr. Freeman stated the current ordinance does give the impression that the Deputy County Manager will be running certain departments and the County Manager will be running the others. He stated this is confusing to employees as to who is running the show.

Mr. Fortune stated he does not see this in any way changing the chain-of-command for department heads. They still work for and report to the County Manager.

Mr. Ray stated the ordinance is in contradiction of what was just stated by Mr. Fortune. Mr. Fortune stated it is not in contradiction if you look at the top of the job description where it says they perform the duties of the County Manager in his or her absence. Mr. Fortune stated that everything following this statement in the description is subject to that.

Mr. Whalen stated that in the ordinance (sub-section D) it states “the Deputy County Manager shall perform the duties of the County Manager in his or her absence. Unless otherwise agreed by resolution of the Board of Commissioners, the jurisdiction of the Deputy County Manager shall include those responsibilities set out in the Deputy County Manager job description approved by the Board of Commissioners concurrently with the adoption of the within ordinance.” Mr. Whalen stated he cannot find where the job description was adopted at the same time as the ordinance. He asked if this needs to be done. Mr. Fortune stated this does need to be done.

Mr. Freeman asked does this put things back at square one since the job description has not been adopted. Mr. Freeman asked Bill Gay if he had any information on the job description as far as it being voted on. Mr. Gay stated he was not in the meeting at the time and he did not know if the Board voted on the job description. When he received the job description it was as it currently reads.

Mr. Ray asked Mr. Gay if he had any input into the job description. Mr. Gay stated he did not. Mr. Ray asked who had input into the job description. Mr. Gay stated he did not know. Mr. Ray stated it seems odd that the personnel director would not have any say so with this job description. After asking the county secretary if the job description was ever approved by the commissioners and being told it was not, Mr. Ray stated it sounds like this issue is unresolved.

Mr. Freeman stated there is a broad picture of what is in the job description as to what Mrs. Beams does. He does not agree with spelling out the departments supervised in the job description.

Mr. Gardner stated in all fairness to Mrs. Beams and the county, this needs to be finalized so it can be adopted by the Board. Mr. Fortune stated the way the ordinance is written it is an evolution of responsibilities. He further stated that even though there is not an approved job description it does not take away from the original statement that says they will have such duties as they are assigned by the County Manager. Mr. Fortune advised the commissioners they can adopt the job responsibilities by resolution and spell out specific areas of responsibility if they would like or they can allow the person that has the job to operate like the Assistant County Manager always did by carrying out directives from the County Manager.

Mr. Ray stated he would like to recommend that Mr. Whalen and Mr. Gay look at the job description and make their recommendations to the board as to what they think needs to be done and the board will proceed from there. He would like this brought back to the board within ten business days. Mr. Freeman and Mr. Gardner agreed.

Mr. Fortune stated he believes the job description is fine as is. Mr. Gardner stated the only question at this point is whether or not the previous board did or did not adopt a job description. Mr. Fortune stated that clearly the previous board did not adopt a resolution for the job description.

Mr. Freeman asked about certain items spelled out in the job description. It stated the Deputy County Manager will be involved with the disciplining of certain employees. As Mr. Freeman understands the operations of the county, disciplining should be up to the department heads as to what action they may take. He further stated it looks to him like this takes it out of the hands of the County Manager and puts it in the hands of the Deputy County Manager. Mr. Fortune stated that would be a good argument if the job description had been adopted; however, it wasn't.

Mr. Fortune stated as of right now there are no specific duties assigned to the Deputy County Manager. According to Mr. Fortune as it stands right now, Mrs. Beams will do what is delegated to her by the County Manager and the commissioners.

Mr. Freeman stated he does not want the job description broken down by department responsibilities. Mr. Freeman asked that Mr. Whalen and Mr. Gay look at the job description closely and make sure that all areas are looked at thoroughly.

Mr. Freeman wanted it duly noted for the record that he objects to the ordinance itself. He referred to Section 2-3002 that states “the Deputy County Manager should be chosen and recommended to the Board of Commissioners by the County Manager and two members of the Board appointed by the Chairman of the Board and shall be

appointed by a majority vote of the Board of Commissioners of Spalding County who shall determine and prescribe his or her compensation and term of office.”

Mr. Freeman stated this was done in error because the Chairman himself did not appoint two board members. He appointed himself and another board member; therefore, in his opinion the ordinance is invalid. The previous board chairman did not follow the letter of the law.

Mr. Fortune asked if there was ever any appointment of this two man committee. No one could say there was. Mr. Fortune stated that arguably they did not follow the proper procedure. He stated “on the other hand the board apparently acquiesced in the choice and voted to hire Mrs. Beams.” He described it as a catch 22 situation. He could not give the board an answer at this point. Mr. Freeman stated this is why he voted against hiring Mrs. Beams. There was not a selection of two county commissioners by the Chairman. He asked Mr. Fortune to research this.

Mr. Fortune stated there is nothing that states the previous chairman could not appoint himself. Mr. Fortune stated at this point he does not know if all of this invalidates the process.

Mr. Freeman believes the previous chairman should have been the person to appoint the two commissioners to a selection committee and not involve himself in it. He believes this is an invalid ordinance the previous board created to establish the Deputy County Manager position. Mr. Freeman further stated it was almost a slam dunk for the one that drew up both ordinances and the contract.

Motion/second by Commissioners Ray/Gardner to direct the County Manager and the Human Resource Director to look at the existing job description for Deputy County Manager and bring their recommendations back to the Board for a “final” job description for approval by resolution. This was approved by a vote of 3-0.

Mr. Freeman asked Mr. Fortune to check and see if proper procedures were followed in selecting the Deputy County Manager.

- b. Consider approval of second reading of Ordinance to amend Part VII, Section 7-1007 (a) – Four-Way Stop Intersection Designated: To provide for a four-way stop at the following intersections: 1) South 6th Street and County Line Road.

Motion/second by Commissioners Ray/Gardner to approve and carried by a vote of 3-0.

II. ADJOURNMENT

Motion/second by Commissioners Ray/Gardner to adjourn at 11:40 a.m. and carried by all.

Chairman

Interim County Clerk

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