

MINUTES

The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 in the Courthouse Annex, Wednesday, December 5, 2012, beginning at 9:00 a.m. with Vice Chairman Samuel Gardner presiding. Commissioners Bob Gilreath, Eddie Freeman and Chairman Flowers-Taylor were present. Also present were County Manager William P. Wilson Jr., Attorney Jim Fortune and County Clerk, Ex-Officio Ricky L. Clark Jr. to record the minutes.

A. Call to Order.

Invocation- led by Vice-Chairman Gardner
Pledge to the Flag- led by Commissioner Freeman

*On Motion/Second by Freeman/Gilreath the agenda was amended to add as item number 1 of new business the following:
Consider approval of closing the Frequency Reconfiguration Agreement dated December 15, 2009 between Spalding County and Sprint/Nextel.
Motion carried by a vote of 4-0.*

B. New Business:

1. Consider approval of closing the Frequency Reconfiguration Agreement dated December 15, 2009 between Spalding County and Sprint/Nextel.

Mr. Wilson noted that this document finalizes the Frequency Reconfiguration Agreement. It defines the swapping of 800MHz frequency ranges between Sprint and the County, for both parties as well as the 800MHz Transition Authority. The total cost is also defined, with a zero balance remaining, for all parties. The equipment loaned to the County and its return is also defined noted Mr. Wilson.

There are two complete documents, requiring a total of six signatures. Once completed, the County will receive one fully executed original back.

Motion/Second by Freeman/Flowers-Taylor to approve closing the Frequency Reconfiguration Agreement dated December 15, 2009 between Spalding County and Sprint/Nextel. Motion carried by a vote of 4-0.

Commissioner Ray joined the meeting at this time (9:08 p.m.)

2. Pursuant to the Spalding Code of Ordinances, Part II Government & Administration, Chapter 12, Section 2-1204(b), the Spalding County Board of Commissioners to review alleged violations of the Spalding County Code of Ethics.

County Attorney Jim Fortune stated that when an allegation of a violation of the ethics ordinance has occurred and that person that has committed the violation is a commissioner, a certain procedure is followed. If a complaint is received by the Clerk of the Board of Commissioners that a prima facie violation has occurred, the remaining commissioners shall review the allegations. In the event that three commissioners agree that a prima facie violation of the code of ethics has been brought forward, then a hearing of the Ethics Review Board shall follow.

Connie Pound- 835 Hanover Drive, Griffin, GA- Mrs. Pound stated that she feels that sworn elected officials should be held to a higher standard than regular citizens. Mrs. Pound noted that on the night of elections everyone's emotions were high; however, people must realize that everyone has feelings. Additionally, Mrs. Pound stated that when you put something in social media, you are presenting it to the world. She noted that Chairman Flowers-Taylor attacked her as a Christian and as a person. Mrs. Pound advised the Board that Chairman Flowers-Taylor called her a conservative racist queen and a biatch. Mrs. Pound noted that she didn't even know that she and Chairman Flowers-Taylor were Facebook friends.

Gwen Flowers-Taylor- 134 Spalding Street, Griffin, GA- Chairman Flowers-Taylor stated that she, too, is a citizen of the United States and practices her freedom of speech. Mrs. Flowers-Taylor noted that on the night in which the post made, it was made at her home on her personal device without using county property or any representation of a County Commissioner. Additionally, she added that there are lines of demarcation where your rights as a personal citizen end and your rights of a commissioner begin.

Commissioner Gilreath asked Chairman Flowers-Taylor if she used the word "BIATCH." Chairman Flowers-Taylor replied that biatch is not a word it is a euphemism that can be translated differently by different groups of people. Commissioner Gilreath further questioned was it derogatory. Chairman Flowers-Taylor replied that it depends on how it's used.

Commissioner Ray stated that the code of ethics states that you should never engage into any conduct that is unbecoming of a public official. He questioned if Chairman Flowers-Taylor felt she had engaged in conduct unbecoming. Chairman Flowers-Taylor replied stating that she doesn't feel that nothing she said came near to being conduct unbecoming however, she does feel that she may have let some people down. Commissioner Ray questioned if she has any regrets. Chairman Flowers-Taylor replied stating that she regrets that she hurt someone's feelings but this is what humans do. She further noted that the comments made by Connie Pound were just as offensive to those people on her page. Chairman Flowers-Taylor assured the Board that she would not be making any comments on Facebook anymore.

Commissioner Ray stated that there are two issues at hand. He noted that as far as the unpaid filing fees, the commission in which enforces this came into effect last year and requires documentation of expenditures and contributions to be filed in a certain amount of time. He noted that you're fined if this is not done. Commissioner Ray further stated that there are a lot of issues with the system. He noted that he didn't get his documentation in because he didn't get a password. He was fined \$125.00 in June of 2010 because he didn't file a report on time. After trying to rectify the situation, he was told that he couldn't prove that he wasn't given a password. Furthermore, he noted that there are several elected officials that have not submitted since 2007 and have over \$1100 worth of fines.

Commissioner Ray stated that the second issue is conduct unbecoming. He noted that two wrongs don't make a right. The Presidential Election was an emotional battle; Democrats vs. Republicans. He stated that the bottom line is that two private citizens spoke their minds, both fishing for comments. Commissioner Ray noted that he, as a county commissioner, must watch the things he says and always be polite and professional. Additionally, he stated that being caught up in his emotions; he too, has spoken out of turn. Commissioner Ray alluded to a rule given to him by his wife, "What's in your head is not necessarily funny in reality." Commissioner Ray advised that he has spoken with Commissioner Flowers-Taylor and she has expressed regret over the situation. He added that Mrs. Flowers-Taylor is a fine chairman but he regrets the situation at hand.

Commissioner Gardner stated that he, too, has had a similar situation with the Georgia Government Transparency Commission due to computer problems. He stated that he thought his payment due in June of 2010 had been submitted so he left to attend a family vacation. He didn't know anything about the fines until the issue with Chairman Flowers-Taylor came to light. Commissioner Gardner stated that he didn't receive any kind of notification that the payment had not been made.

For the record Commissioner Ray read the following complaint, as reported by Connie Pounds: To whom it may concern: I would like to file a formal complaint against Gwen Flowers-Taylor, Chairperson of Spalding County Board of Commissioners. She has broken the conduct of code of ethics as an elected official. She has written slanderous accusations against me and I would appreciate an investigation into the matter and that she be held liable. You will find attached documentation's supporting my claim. Along with attachments I am also going to pull out from attached documents actual postings that were made to my Facebook account to support my claim. On Tuesday, November 6, 2012 at 11:33 p.m. Gwen

Flowers-Taylor posted you are a stupid biatch. On Wednesday, November 7, 2012 at 12:38 a.m. Gwen Flowers-Taylor posted print it where you like. I am an American Citizen and have a right to call it like I see it. If you and your girls can't take the heat stop sending me your trash...conservative racist queen.

Commissioner Ray stated that the slanderous statement is strong.

County Attorney Jim Fortune noted that in the event that three board members agree that a prima facie violation of the code the ethics has occurred, then an independent review board shall be formed. Each commissioner, at the beginning of his/her term, shall appoint three (3) citizens that reside in his district to be placed in a pool of citizens to serve as a review board. In the event a review panel needs to be convened, then and in such event, the three (3) appointees of the commissioner who is being investigated shall be withdrawn from the pool and the county clerk shall draw three (3) names from the pool at random and these persons shall constitute the review board.

At the request of Chairman Flowers-Taylor, Mr. Fortune read Section 2-1201 of the Spalding County Code. The section reads in part, "The purpose of this code of ethics is to establish ethical standards of conduct for all covered officials of Spalding County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such covered officials of private financial, or other interests, in matters affecting the county. Those covered officials are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that public interest must be their primary concern. Covered officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and unless prohibited from so doing by law or by the officially recognized confidentiality of their work."

After review of allegation of violation of Section 2-1203; Subsection 8 of the Spalding County Code of Ordinances from Connie Pound & comments by Chairman Flowers-Taylor, Vice-Chairman Gardner questioned the pleasure of the Board: A voice vote (ayes) of four (4) commissioners (Gardner, Ray, Gilreath, Freeman) agreed that a prima facie violation of the ethics ordinance Section 2-1203, Paragraph 8 was presented.

After review of allegation of violation of Section 2-1203, Subsection 10 of the Spalding County Code of Ordinances from Connie Pound & comments by Chairman Flowers-Taylor, Vice-Chairman Gardner questioned the pleasure of the Board: A voice vote of four (4) commissioners (Gardner, Ray, Gilreath, Freeman) agreed that there was NOT a prima facie violation of the ethics ordinance Section 2-1203, Paragraph 10 as presented.

At this time, (3) names were drawn from a pool of names submitted for the ethics review board by County Clerk, Ex-Officio Ricky L. Clark, Jr.:

- 1. Dr. Jesse Bradley*
- 2. Kathy Noble*
- 3. Johnnie McDaniel*

Additionally, (3) alternates were also drawn from the pool of names submitted for the ethics review board by County Clerk, Ex-Officio Ricky L. Clark, Jr. :

- 1. Tootsie Powers*
- 2. Jackie Perkins*
- 3. Fred Edwards*

At this time, Vice-Chairman Samuel "Chipper" Gardner, allowed City Chairperson Cynthia Reid-Ward to make a comment. Mrs. Reid-Ward stated that she understands what has happened and the way the ordinance is written. Additionally, Mrs. Reid-Ward stated that the names, as called by the County Clerk, indicate not one African-American or any Democrats. She stated that the situation at hand, is about to turn much bigger. This is about to be something a whole lot bigger that

what was anticipated, stated Mrs. Reid-Ward. She stated that the review board should consist of a mixture of people.

C. Adjournment:

Motion/second by Freeman/Ray to adjourn at 9:52 a.m. Motion carried by Commissioners Gardner, Ray, Gilreath & Freeman.

Chairman

County Clerk

.....