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JUL 8 - 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *W. Finch* Deputy Clerk

FREDERICK HARPER, individually)
and on behalf of all present and)
Future inmates in the Fulton)
County Jail in Atlanta, Georgia,)
Plaintiffs,)

v.)

DEPUTY TYRONE BENNETT,)
Individually; and FULTON COUNTY,)
GEORGIA; FULTON COUNTY BOARD OF)
COMMISSIONERS, KAREN HANDEL,)
Chairperson, ROB PITTS, EMMA I.)
DARNELL, WILLIAM EDWARDS, TOM LOWE,)
NANCY BOXILL, members;)
JACQUELYN BARRETT, Fulton County)
Sheriff, in their official)
capacities.)
Defendants.)

CIVIL ACTION FILE

NO.04-CV-1416-MHS

ORIGINAL

**FULTON COUNTY BOARD OF COMMISSIONERS' MEMORANDUM OF LAW
IN RESPONSE TO COURT'S SHOW CAUSE ORDER**

COME NOW Fulton County, Georgia, Karen Handel, Rob Pitts, Emma I. Darnell, William Edwards, Tom Lowe and Nancy Boxill and file this their Memorandum of Law in Response to this Court's Show Cause Order. In this response these Defendants show the Court that they have constitutionally funded the Fulton County Sheriff's Department and the Fulton County Jail.

PROCEDURAL HISTORY

On or about May 19, 2004, the Plaintiff, acting pro-se, filed a Complaint in the United States District Court for the Northern District of Georgia. Said Complaint was assigned to District Court Judge Marvin Shoob on or about May 19, 2004. That Complaint has never been served. On or about June 22, 2004, the Defendants were served with a copy of an Amended Complaint, which was filed in the United States District Court earlier that day. The Amended Complaint generally alleges unconstitutional conditions of confinement and seeks class certification for all present and future inmates at the Fulton County Jail.

On June 25, 2004, prior to any responsive pleading by any defendant and prior to any evidentiary hearing or finding, the Court issued an Order mandating that the defendants come to Court to show cause why the Court should not appoint a receiver to assume all responsibility over the Fulton County Jail. This Order was issued *sua sponte*, just three days after the Defendants first received notice of this lawsuit, with the sole evidentiary basis being the May 31, 2004 report issued by Dr. Robert Greifinger, documenting his findings with regard to the jail during his tour on May 26 and 27, 2004.

LEGAL AUTHORITY AND CITATION

The law provides that, by virtue of their offices, sheriffs are jailers of counties, vested with broad authority to manage jails. Juxtaposed against the Sheriff's exclusive managerial control of the jail is the Board of Commissioners' exclusive authority to approve the budget for the Sheriff's Department. O.C.G.A. § 36-5-22.1. The Boards' limited budgetary authority is further qualified in that any budget passed must be reasonable and provide reasonably sufficient funds to allow the Sheriff to discharge her legal duties. Manders v. Clinch County, 38 F.3d 1304, 1323-24 (11th Cir. 2003).

In determining where the separation of power lies, we must look at the Constitution of Georgia of 1983, Art.IX, Sec. II, Para. I., entitled "Home Rule for Counties," which grants to the governing authority of each county the power to enact legislation relating to its property, affairs and local government. Subparagraph (c)(1) provides that "[t]he power granted counties ... shall not be construed to extend to... [a]ction affecting any elective office, the salaries thereof, or the personnel thereof...".

Sheriffs are created pursuant to Article IX, Section I, Paragraph III(a) of the Georgia Constitution. Pursuant to the Constitution, the sheriff is elected and "shall have such

qualifications, powers, and duties as provided by general law". The statutory duties of the sheriff are defined in O.C.G.A. § 15-16-10. Included among the sheriff's numerous duties is the responsibility to maintain the jail. O.C.G.A. § 42-4-1 establishes that the sheriff is the jailer of the county.

The "Home Rule" provisions concern the power of a county to adopt ordinances, resolutions, or regulations relating to its property, affairs and local government for which no provision has otherwise been made by general law. Subparagraph (c) prohibits a county from exercising the legislative powers granted to it so as to affect any elective office. As such, the County, through its Board of Commissioners cannot affect the duties or powers of the sheriff as the jailer of the county, as she is an independent, elected official.

The Board of Commissioners establishes the budget for all county departments, including the Sheriff's Department. It is well established in case law that "although the county commission has the power and the duty to issue a budget, the county commission may not dictate to the sheriff how that budget will be spent in the exercise of his duties." Chaffin, et.al. v. Calhoun et.al., 262 Ga. 202 (1992). Although the county commission has the duty to adopt a reasonable and adequate budget, that does not mean that the county commission must

approve any budget that the sheriff proposes. Id. at 203. In fact, case law has affirmed the power of the Board of Commissioners to cut a sheriff's budget, even though the cut of the budget could result in lay-offs of personnel, or pay cuts. Board of Commissioners of Randolph County v. Wilson, 260 Ga. 482 (1990). The adopting of the Sheriff's Department budget does not necessarily amount to an "effect" on the sheriff or her office, as long as the budget is reasonably sufficient to allow the sheriff to discharge her duties. As will be outlined below, The Fulton County Board of Commissioners has taken deliberate, conscientious steps to provide an adequate, sufficient and legal budget of over 80 million dollars to the Fulton County Sheriff. This amount is both the extent and the limit of the Boards' authority in this matter, for they cannot dictate to the Sheriff how that budget is spent once it reaches her hands.

APPLICATION OF FACTS TO LAW

1. Foster, et.al. v. Fulton County, et.al.

In August, 2002 Defendants filed a motion to terminate prospective relief in Foster v. Fulton County, U.S.D.C. Civil Action File No. 1:99-CV-900-MHS, a class action involving jail conditions which was previously before this Court. In that motion, Defendants established that the conditions in the jail were constitutional. The Defendants further demonstrated

substantial compliance with the Settlement Agreement previously entered into by the parties in Foster. On November 13, 2002, this Court terminated prospective relief in the Foster case. All indications as of November 2002, were that the conditions at the Fulton County jail were constitutionally sound. Had that not been the case, this Court and Counsel for the Plaintiffs would not have released the Defendants from the lawsuit.

Following the termination of Foster, Dr. Robert Greifinger reported on June 9, 2003, that medical care at the jail was constitutionally adequate. From the perspective of environmental hygiene, Dr. Greifinger reported that the "facility was clean with fewer leaks and plumbing problems". He also reported that the new kitchen was stunning, and that the new intake area was a substantial improvement. (June 9, 2003 Report of Dr. Greifinger, attached as Exhibit "A"). As late as June, 2003, just over one year ago, the jail was in a constitutional, environmentally hygienic state, despite the fact that the inmate population was 2,851.

2. Funding of the Sheriff's Department by the Board of Commissioners.

Recently, the Fulton County Board of Commissioners has taken numerous actions to constitutionally fund the jail. The current funding amount approved and adopted by the Fulton County

Board of Commissioners for the Sheriff's Department is \$80,998,931. (Affidavit of Patrick J. O'Connor is attached as Exhibit "B"). A simple review of the Sheriff's Department budget and the County's budget for the General Fund over the past 5 years indicates that there have been significant increases to the funding for the Sheriff's Department generally.

The General Fund portion of Fulton County's annual Budget is that portion of the Budget used to fund services that are provided by Fulton County for the benefit of the entire County, including residents of both the incorporated municipalities and the unincorporated areas of the County. Fulton County's Fiscal Year ("FY") begins on January 1 and runs through December 31. The General Fund Budget must be approved each FY by the elected Fulton County Board of Commissioners. (Exhibit "B", para. 2). Within the General Fund portion of the annual Fulton County Budget is the budget for the Sheriff's Department, including funds budgeted for staffing, operating and maintaining the Fulton County Jail, which is under the sole operational control of the elected Sheriff of Fulton County, Jacquelyn Barrett. (Exhibit "B", para. 3). Each year, prior to the beginning of the next following FY, each Department of Fulton County submits a budget request for the next FY. This budget request, pursuant to the applicable Fulton County Budget Law, is submitted to and

considered by the Budget Commission, comprised of the Chair of the Board of Commissioners, the County Manager, and the Director of Finance. The Budget Commission then submits a recommended FY Budget to the Board of Commissioners. In addition, during each FY, after the approval of the FY Budget, County Departments, including the Sheriff's Department, often request additional funds through what are known as monthly Budget Soundings (i.e., Budget amendments) (Exhibit "B", para. 5).

Fulton County has the responsibility of providing funding for many departments and agencies which have very necessary and vital roles to the County and its citizens. The Board of Commissioners has many competing interests when determining the budget which include many emergency services such as police, fire, 9-1-1 services and Grady Hospital. The Board of Commissioners has limited funds from which to operate. Its goal is to be fair in making its assessments and allocations for funds to all departments. The Board has been generous with budget allocations to the Sheriff's Department.

In the fiscal year for 2000 (FY2000), the total budget for the Sheriff's Department was \$75,138,822. The Sheriff's Department expended \$73,179,534 of its total budget in FY2000. The budget for the general fund of Fulton County was \$540,491,039. The FY2001 total budget for the Sheriff's

Department was \$76,661,587. The Sheriff's Department expended \$74,546,741 of its total budget in FY2001. The budget for the general fund of Fulton County was \$558,128,870. The FY2002 total budget for the Sheriff's Department was \$83,555,012. The Sheriff's Department expended \$81,415,680 of its total budget in FY2002. The budget for the general fund of Fulton County was \$599,878,147. The FY2003 total budget for the Sheriff's Department was \$81,432,075. The Sheriff's Department expended \$78,887,640 of its total budget in FY2003. The budget for the general fund of Fulton County was \$614,393,958. The FY2004 budget for the Sheriff's Department is \$80,998,931. The budget for the general fund of Fulton County is \$603,453,265. (Exhibit "B", para. 4).

On average, for each of the FYs indicated above, the Board of Commissioners has budgeted for the Sheriff's Department approximately 96.2% of the amount requested by the Sheriff during the Budget Commission process. (Exhibit "B", para. 8). On average, for FY 2000, FY 2001, FY 2002, and FY 2003 (not available for FY 2004) the Sheriff's Department failed to utilize approximately \$2.19 million in available funds budgeted for the Department by the Board of Commissioners. (Exhibit "B", para. 9). The evidence shows that the County provided practically all budget funds that were requested by the

Sheriff's Department. Despite approving these funds, the Sheriff's Department failed to even utilize all of the funds provided to it. In light of this, one might argue that the Board of Commissioners has provided more than enough funding to the Sheriff's Department.

The Board of Commissioners has also entered into numerous contracts to provide for the well-being and safe-housing of the inmates at the jail. Pursuant to law, Fulton County is required to provide medical care, food and shelter to inmates O.C.G.A. § 42-5-2. Fulton County, through its Board of Commissioners, approved contracts with Comprehensive Medical Associates, a medical provider previously ordered by this Court to provide both medical care and mental health care to inmates in the Fulton County Jail. (Certified Minutes of Board of Commissioners, attached as Exhibit "C"). The current amount of the medical contract is \$9,897,160.37. The amount of the mental health contract is \$3,907,718.40. Fulton County, through its Board of Commissioners, has also approved a food service contract with Aramark Correctional Services in the amount of \$4,541,925. (Certified Minutes of Board of Commissioners, attached as Exhibit "D"). Additionally, Fulton County approved a maintenance contract with Aramark Facility Services in the amount of \$1,459,391, for service at the Fulton County Jail.

(Certified Minutes of Board of Commissioners, attached as Exhibit "E").

In 2003 a new intake facility and state-of-the-art kitchen facility were completed at the jail. Extraordinary measures were taken by the Board to provide an intake area sufficiently large to accommodate the number of inmates being processed into the Fulton County Jail. The Board of Commissioners approved approximately 14 million dollars to build these new facilities and renovate the old areas at the Jail.

Although it may appear that, through these efforts, Fulton County is wildly throwing money at the Fulton County Jail, the Board has made decisions regarding the funding and budgeting of the Jail and the Sheriff in an informed, reasoned and rational manner. To assist the Board in making its determination of the appropriate budget to allocate to the Sheriff's Department, the Board commissioned a study of the budgetary implications of the managerial and financial operations of the Fulton County Sheriff's Office. The study was conducted by Community Safety Institute (CSI). This study recommended that managerial and supervisory changes be made at the jail to better utilize the available staff. (Certified Minutes of Board of Commissioners, attached as Exhibit "F").

3. Current Initiatives by the Board of Commissioners.

Since receiving the report of Dr. Robert Greifinger following his jail visit on May 26 -27, 2004, the Board has directed and taken various actions to improve the conditions at the jail.

Fulton County has a continuing problem with the State failing to take custody of sentenced inmates. One or more members of the Board of Commissioners personally contacted the Georgia Commissioner of Corrections, James Donald, to request faster pick up of state prisoners. The request resulted in nearly 300 of the sentenced inmates being moved into the State Prison System during the last 60 days. The County will continue to work with the State to get sentenced inmates out of the County jail and into the State Prison System.

New washers and dryers were ordered for the jail as soon as the County Manager was notified that they needed to be replaced. This was done immediately following Dr. Greifinger's visit to the jail. The purchase, constructing and installation of these industrial size washers and dryers are complete.

More recently, on July 7, 2004 the Board of Commissioners approved a mechanical and plumbing system equipment and controls upgrades project at the Fulton County Jail. The project will replace the HVAC, electrical, mechanical and plumbing systems in

the jail. This will be a contract with Georgia Power and Southern Company. It will provide warranty and maintenance coverage for five (5) years. The contract will provide complete design, engineering and construction of major mechanical and plumbing upgrades to stop further degradation of the building mechanical systems and equipment. It is anticipated that the upgrades will eliminate less than adequate indoor air quality, eliminate mold and conditions that promote mold growth, correct inefficient use of energy and water and eliminate excessive maintenance and repairs to equipment.

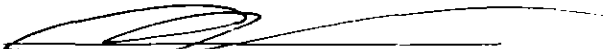
CONCLUSION

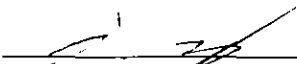
Fulton County, through its Board of Commissioners has taken all the necessary steps to determine an adequate, constitutional budget for the Sheriff's Department, and fulfilled its legal obligation to provide constitutional funding.

This 8th day of July, 2004.

OFFICE OF THE COUNTY ATTORNEY
Overtis Hicks Brantley
Georgia Bar No. 351350


Paula Morgan Nash
Senior Attorney
Georgia Bar No. 528884



Steven E. Rosenberg
Georgia Bar No. 614560

Rory K. Starkey
Georgia Bar No. 676450

141 Pryor Street, Suite 4038
Atlanta, Georgia 30303
(404) 730-7750
(404) 730-6324 (facsimile)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FREDERICK HARPER, individually)
and on behalf of all present and)
Future inmates in the Fulton)
County Jail in Atlanta, Georgia,)

Plaintiffs,)

v.)

CIVIL ACTION FILE

DEPUTY TYRONE BENNETT,)
Individually; and FULTON COUNTY,)
GEORGIA; FULTON COUNTY BOARD OF)
COMMISSIONERS, KAREN HANDEL,)
Chairperson, ROB PITTS, EMMA I.)
DARNELL, WILLIAM EDWARDS, TOM LOWE,)
NANCY BOXILL, members;)
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Sheriff, in their official)
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NO.04-CV-1416-MHS

Defendants.)

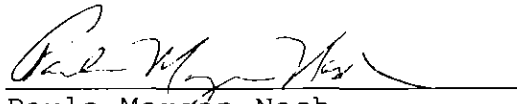
CERTIFICATE OF FONT TYPE, SIZE AND SERVICE

This is to certify that I have this date presented this document in Courier New, 12 point type and that I have served a copy of the foregoing **FULTON COUNTY BOARD OF COMMISSIONERS' MEMORANDUM OF LAW IN RESPONSE TO COURT'S SHOW CAUSE ORDER** on the attorney for the Plaintiff by first class mail, in a properly addressed envelope, addressed as follows:

Stephen B. Bright, Esquire
Southern Center for Human Rights
83 Poplar Street, N.W.
Atlanta, Georgia 30303-2122

Theodore Lackland, Esquire
Lackland & Associates, LLC
230 Peachtree Street, NW
Suite 1150
Atlanta, Georgia 30303

This 8th day July, 2004


Paula Morgan Nash
Georgia Bar No. 528884

OFFICE OF THE COUNTY ATTORNEY
141 Pryor Street, S.W., Suite 4038
Atlanta, GA 30303
(404)730-7750



EXHIBIT / ATTACHMENT

A

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FREDERICK HARPER, individually	)	
and on behalf of all present and	)	
Future inmates in the Fulton	)	
County Jail in Atlanta, Georgia,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	CIVIL ACTION FILE
DEPUTY TYRONE BENNETT,	)	
Individually; and FULTON COUNTY,	)	NO.04-CV-1416-MHS
GEORGIA; FULTON COUNTY BOARD OF	)	
COMMISSIONERS, KAREN HANDEL,	)	
Chairperson, ROB PITTS,EMMA I.	)	
DARNELL, WILLIAM EDWARDS, TOM LOWE,	)	
NANCY BOXILL, members;	)	
JACQUELYN BARRETT, Fulton County	)	
Sheriff, in their official	)	
capacities.	)	
	)	
Defendants.	)	
	)	

AFFIDAVIT OF PATRICK J. O'CONNOR, DIRECTOR OF FINANCE,
FULTON COUNTY, GEORGIA

STATE OF GEORGIA
COUNTY OF FULTON

COMES, NOW, the undersigned Affiant, **Patrick J. O'Connor**, Director of Finance, Fulton County, Georgia, appearing before the undersigned officer, duly authorized to administer oaths, and after being duly sworn, does hereby state and swear as follows:

1.

My name is Patrick J. O'Connor. I am over the age of 21 years. I am the Director of Finance for Fulton County, Georgia, and I have been employed as such since 1996. I

am both competent to speak to and personally aware of and familiar with each of the facts set forth in this Affidavit.

2.

The General Fund portion of Fulton County's annual Budget is that portion of the Budget used to fund services that are provided by Fulton County for the benefit of the entire County, including residents of both the incorporated municipalities and the unincorporated areas of the County. Fulton County's Fiscal Year ("FY") begins on January 1 and runs through December 31. The General Fund Budget must be approved each FY by the elected Fulton County Board of Commissioners.

3.

Within the General Fund portion of the annual Fulton County Budget is the budget for the Sheriff's Department, including funds budgeted for staffing, operating and maintaining the Fulton County Jail, which is under the sole operational control of the elected Sheriff of Fulton County, Jacqueline Barrett.

4.

For each of the last five (5) FYs (FYs 2000, 2001, 2002, 2003, 2004) the below table shows (i) the General Fund Budget approved by the Board of Commissioners, (ii) the General Fund Budget approved by the Board of Commissioners for the Sheriff's Department, (iii) actual total General Fund expenditures, and (iv) actual total Sheriff's Department expenditures:¹

¹ Figures are in millions; some data is not yet available for FY 2004.

	Total General Fund Budget	Total Sheriff's Dept. Budget	Actual General Fund Expenditures	Actual Sheriff Dept. Expenditures
FY 2000	540,491,039	75,138,822	496,208,660	73,179,534
FY 2001	558,128,870	76,661,587	536,811,798	74,546,741
FY 2002	599,878,147	83,555,012	581,004,001	81,415,680
FY 2003	614,393,958	81,432,075	578,917,430	78,887,640
FY 2004	603,453,265	80,998,931	N/A	N/A

5.

Each year, prior to the beginning of the next following FY, each Department of Fulton County submits a budget request for the next FY. This budget request, pursuant to the applicable Fulton County Budget Law, is submitted to and considered by the Budget Commission, comprised of the Chair of the Board of Commissioners, the County Manager, and the Director of Finance. The Budget Commission then submits a recommended FY Budget to the Board of Commissioners. In addition, during each FY, after the approval of the FY Budget, County Departments, including the Sheriff's Department, often request additional funds through what are known as monthly Budget Soundings (i.e., Budget amendments).

6.

In my capacity as Director of Finance, I serve on the Budget Commission and have done so since 1996. In addition, it is my responsibility to manage the Budget Soundings process.

7.

The Sheriff of Fulton County, Jacqueline Barrett, presented a budget request to the Budget Commission for each of the FYs indicated above, and has made additional requests for funding through the Budget Soundings process.

8.

On average, for each FY indicated above, the Board of Commissioners has budgeted for the Sheriff's Department approximately 96.2% of the amount requested by the Sheriff during the Budget Commission process.

9.

On average, for FY 2000, FY 2001, FY 2002, and FY 2003 (not available for FY 2004) the Sheriff's Department failed to utilize approximately \$2.19 million, annually, in available funds budgeted for the Department by the Board of Commissioners.

I declare under penalty of perjury that the facts contained in this Affidavit are true and correct.

Executed in Fulton County, Georgia this 8th day of July, 2004.

Patrick J. O'Connor
Patrick J. O'Connor

SWORN to and subscribed
before me this 8th day
of July, 2004.

Smith D. Long
Notary Public

My Commission Expires: 9/3/07

Jail-litigation-affidavit-O'Connor-S-Turner.aff



EXHIBIT / ATTACHMENT

B

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ROBERT B. GREIFINGER, M.D.

June 9, 2003

Paula Morgan Nash, Esq.
Office of the Fulton County Attorney
141 Pryor Street, S.W. Suite 4038
Atlanta, GA 30303

Dear Ms. Nash:

In the Fall of 2002, I was engaged by Fulton County to evaluate the medical care at the Fulton County Jail for a period of eighteen months. This followed several years of monitoring for the Court in *Ruben Foster et al v. Fulton County, Georgia et al*. This is my first report as a consultant to the County.

Health Care

I am pleased to report that the health care program at the jail has continued to follow its trajectory of improvement. The medical, mental, and dental care provided to inmates in the jail is currently adequate. The care meets constitutional standards. My opinion is based on my tour, interviews with staff, reviews of documents, grievances and quality management materials, and audits of medical records for patients with HIV, diabetes, and abnormal chest x-rays. I also reviewed medication administration records.

I paid substantial attention to the quality management program, as the staff has been consistently reporting superlative performance across the board. While I did not find substantial deficiencies in care, I pointed out significant opportunities for improvement in the process of data collection and analysis. Too many of the diabetics in the jail are in poor control. I pressed the medical staff to use the quality improvement process to discern the barriers to better diabetic control, and to remove those barriers. This is a successful method in other similar jails.

One of the barriers that I discovered is that the expectations for diabetic care are not clearly communicated to the clinical staff. Instead of using their homemade guidelines, I recommended to CMA that they promulgate nationally accepted guidelines, for example those listed on the website of the National Commission on Correctional Health Care.

The chronic disease registries are not current, and not usable in their current format. The long-promised automated scheduling program has been taken off the burner by the County MIS department. This is an error. The best tool for reducing risk to the County, and for improving medical care with the least rework, is an automated scheduling system that can function as a chronic disease registry as well. Such a system will be appreciated at every level of operation of the jail, and improve the quality and continuity of care. I urge the County to place this project back on the front burner.

ROBERT B. GREIFINGER, M.D.
32 PARKWAY DRIVE
DOBBS FERRY, NEW YORK 10522-3517

PHONE: (914) 693-9205
FAX: (914) 674-0113
E-MAIL: robert.greifinger@verizon.net

Report on Medical Care
Fulton County Jail
June 9, 2003
Page 2 of 3

Other than measurement of performance on chronic disease, CMA has broadened the quality management program. I urge CMA to use this vehicle to do thoughtful analysis of data in order to drive constructive change.

CMA deserves congratulations for maintaining a low vacancy rate in the face of national shortages of nurses. On the day of my visit, there were only 2.5 RN vacancies.

Grady

CMA does not use its log of pending appointments as a quality improvement tool. CMA should monitor lag time to appointments by specialty, and intervene by specialty where there is a problem. Currently, the medical director intervenes for each patient who needs prompt access. This is inefficient and does not solve the system problems.

Mental Health

There is now an on-site court with a mental health calendar. This is a big step toward a mental health court for the inmates who cycle through the facility many times a year because of their serious chronic mental illness. This court is limited, however, to misdemeanors. In my opinion, patients with chronic mental illness who are charged with felonies need the attention of a special court as much as misdemeanants.

The County now has a psychologist and two licensed social workers working full time at the jail to work on discharge planning for inmates with chronic mental illness. This is also an excellent addition to the program.

CMA has made great strides in providing medication on release to patients with chronic mental illness.

Crowding and Security Staffing

This area has deteriorated. During my visit the census was 2,851, with 2,506 at the main jail. There were 400 inmates "without beds," which means that they have beds outside of cells. Beside the risks of communicable disease, which I have described in previous reports, this excess population puts a strain on security staffing.

The demands for security staff regularly and frequently cause delays in the distribution of medication to inmates. Although the medication does get to the inmates, the shortage of security staff causes too much downtime for nursing staff. This distracts them from their other duties. Also, the case workers for AID Atlanta continue to have too much downtime waiting for a security escort. The Sheriff does not have sufficient jail staff to support the medical care program.

Environment and Nutrition

I toured the facility from the perspective of environmental hygiene. The facility was

Report on Medical Care
Fulton County Jail
June 9, 2003
Page 3 of 3

clean with fewer leaks and plumbing problems. There are now six new boilers for the HVAC--this is a significant change. The new kitchen is stunning and a great improvement. The food is better, the hygiene is better and the kitchen has substantial capacity for extra business, for example, preparing food for meals-on wheels type programs.

The new intake area is operating. It too is a substantial improvement.

There is a new vendor for maintenance. I was pleased to hear that there is now a preventive maintenance program and a very responsive vendor. During my visit, I recommended that the wrist blades in the kitchen be adjusted, and put on a preventive maintenance program as they should be on in the medical area.

The only unhygienic area I visited was the examination room at Bellwood. This was cleaned before I left the facility.

The dietician is working closely with health care staff and inmates to improve adherence to medically necessary diets.

Communicable Disease

There have been 15 cases of drug-resistant Staph infection (MRSA) in the jail since October 2002. This is a modest number. There is a large outbreak at the DeKalb County Jail and there are apparently many cases in the Georgia Department of Corrections. Because of these latter cases, I recommended that the jail make sure that its hygiene practices conform with CDC recommendations, especially for health staff hand-washing, laundry and linen and underwear exchange for inmates. I provided CMA and the Sheriff with CDC recommendations.

Fiscal Review

I learned that the County has engaged an agent to perform a fiscal review on the jail operations. I hope that this agent will consult with me prior to making any recommendations on health care or security staffing that might affect health care. It is important for the reviewer to make knowledgeable recommendations in light of our recent experience with health care.

Communication

The teamwork between jail administration, custody staff, dietary and maintenance staff and health care staff is excellent. This teamwork is better than it is in most facilities of this size and complexity. This is testimony to excellent leadership and contributes to a fine and efficient system.

Sincerely,

Robert B. Greifinger, M.D.



EXHIBIT / ATTACHMENT

C

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BOARD OF COMMISSIONERS OF FULTON COUNTY



**STATE OF GEORGIA
COUNTY OF FULTON**

CERTIFICATION

I, Lois E. Shell, the undersigned Chief Deputy Clerk to the Commission of Fulton County, do hereby certify and declare that the attached is a true and correct copy of the **Minutes**, approved by the Board of Commissioners under Item #04-0247, at its Recess Meeting on February 18, 2004 as contained in its duly ratified minutes.

This 8th day of July, 2004.

A handwritten signature in cursive script that reads "Lois E. Shell".

Lois E. Shell, Chief Deputy Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]

Commissioner Lowe - "Call the question."

Vice Chair Boxill - "Thank you."

Commission Chair Handel - "Okay. Okay. That is approved. Next item, please."

A motion was made by Commissioner Fulton and seconded by Commission Chair Handel to approve. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Boxill, and Commissioners Pitts, Fulton, Lowe, Darnell, and Edwards voted yes.

04-0247 COUNTY MANAGER – NEW BUSINESS - PURCHASING - REQUEST APPROVAL OF RECOMMENDED PROPOSALS. (HELD #3/APPROVED #/S 1, 2, & 4-7)

1. DEPARTMENT: Finance

SERVICE/COMMODITY: Audit Services

BID #: 04RFP002YC

TOTAL AMOUNT OF PURCHASE: \$242,950

PRIME CONTRACTORS: PJC/Singleton & Jordan LLP (Atlanta, GA) - \$54,950; Maulding & Jenkins LLP (Marietta, GA) - \$188,000

REQUESTED ACTION OF THE BOC: To approve a contract to provide Audit Services for Fulton County with the Firms PJC/Singleton & Jordan, LLP and Maulding & Jenkins LLP.

EFFECT OF BOC'S ACTION: Award of (1) year contracts for audit services for fiscal year 2004 with PJC/Singleton & Jordan, LLP (Grants) in the amount of \$54,950, and Maulding & Jenkins LLP (CAFR) in the amount of \$188,000 from date of award through December 31, 2004 with three (3) renewal periods.

2. DEPARTMENT: Finance

SERVICE/COMMODITY: Unemployment Compensation Benefits

BID #: 03RFP010C

TOTAL AMOUNT OF PURCHASE: \$27,000

PRIME CONTRACTOR: Jon-Jay Associates (Peabody, MA)

REQUESTED ACTION OF THE BOC: To approve a contract to provide Unemployment Compensation Benefits with the Firm Jon-Jay Associates.

EFFECT OF BOC'S ACTION: Fulton County Government will receive third-party services to manage claims costs for unemployment benefits paid to former employees, ensuring only appropriate benefits are paid. Contract period will be from date of award through December 31, 2004 with an option to renew for two additional twelve-month periods: 2005, 2006.

3. DEPARTMENT: Finance Department

SERVICE/COMMODITY: Underwriters for Water and Sewer Bond Issue

RFP #: 03RFQ002C

TOTAL AMOUNT OF PURCHASE: Fee to be negotiated upon signing of Bid Bond Purchase Agreement.

PRIME CONTRACTORS: Citigroup (Atlanta, GA), Siebert Brandford Shank (Detroit, MI), and UBS Financial Services Inc (Bethesda, MD)

REQUESTED ACTION OF THE BOC: Approve award of RFQ 03RFQ002C for Underwriting Services for the planned Water & Sewer Revenue Bond Issue.

EFFECT OF BOC'S ACTION: Will allow the Finance Department to move ahead with the planning and execution of a Water & Sewer Revenue Bond Issue to provide the necessary funding for the Water & Sewer Capital Improvement Program as identified in the Business Plan.

4. DEPARTMENT: General Services

SERVICE/COMMODITY: Architectural & Engineering Services for the Fairburn Senior Center

RFP #: 03RFP200K

TOTAL AMOUNT OF PURCHASE: \$128,205

PRIME CONTRACTOR: A. Vincent Pope & Associates (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of A&E contract with recommended proposer.

EFFECT OF BOC'S ACTION: Allows for the design services to commence. The contract term shall be 365 days after notice to proceed.

5. DEPARTMENT: Human Services

SERVICE/COMMODITY: Organizational Evaluation & Service Delivery Plan of Action

RFP #: 03RFP230C

TOTAL AMOUNT OF PURCHASE: \$61,125

PRIME CONTRACTOR: MGT of America, Inc. (Columbia, SC)

REQUESTED ACTION OF THE BOC: Approval of the contract in the amount of \$61,125 with Management of America for consulting services to conduct program evaluation of the Human Services Department's activities and to develop a strategic plan for future programming.

EFFECT OF BOC'S ACTION: Development of a strategic plan for the Human Services Department that will ensure an efficient and responsible service delivery system. The contract period shall be from February 23 to June 30, 2004.

6. DEPARTMENT: Public Works

SERVICE/COMMODITY: Standby Transportation Engineering Services

RFP #: 03RFP1000K

TOTAL AMOUNT OF PURCHASE: \$750,000

PRIME CONTRACTORS: B & E Jackson (Atlanta, GA), Grice & Associates (Atlanta, GA), and Wolverton & Associates (Norcross, GA)
REQUESTED ACTION OF THE BOC: Approval of three contracts to provide standby transportation engineering services for the Department of Public Works.

EFFECT OF BOC'S ACTION: Award of three (3) contracts in an amount not to exceed \$250,000 each to B & E Jackson, Grice & Associates, and Wolverton & Associates for standby engineering services from date of award through December 31, 2004 with the option to renew for two (2) years: 2005, 2006.

7. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Mental Health Services

RFP #: 04RFP0002B

TOTAL AMOUNT OF PURCHASE: \$3,907,718.40

PRIME CONTRACTOR: Correctional Medical Associates (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of an award to Correctional Medical Associates in an amount not to exceed \$3,907,718.40, from March 1, 2004 through February 28, 2005.

EFFECT OF BOC'S ACTION: Award of a contract to Correctional Medical Associates in an amount not to exceed \$3,907,718.40, from March 1, 2004 through February 28, 2005 to include two (2) one-year renewal options at the same rate, plus the lesser of either the Consumer Price Index for medical care or a 5 percent increase.

Lois Shell, Chief Deputy Clerk - "04-0247. Request approval of recommended proposals."

Commission Chair Handel - "Do I have a motion?"

Commissioner Fulton - "Move approval."

Commissioner Lowe - "Second."

Commission Chair Handel - "Discussion. Commissioner Pitts."

Commissioner Pitts - "Before we discuss this item, I would like to state publicly and for the record, the principal in one of these firms was chair of my campaign committee, but I have no financial interest whatsoever in this contract."

Commissioner Edwards - "Which one is that?"

Commission Chair Handel - "Which one? Just so he can --."

Commissioner Pitts - "First item, number 1."

Commission Chair Handel - "Number 1?"

Commissioner Pitts - "Audit Services."

Commission Chair Handel - "Okay."

Commissioner Pitts - "Number 1."

Commission Chair Handel - "All right. Thank you, Commissioner Pitts."

Commissioner Pitts - "So I just want to state that for the record."

Commission Chair Handel - "Yes."

Commissioner Pitts - "Item number 3, this is underwriters for Water and Sewer Bond Issue. And how many firms received the RFP?"

Gus Roberson, Purchasing - "45."

Commission Chair Handel - "To the microphone, if you would, so we can hear you."

Mr. Roberson - "45."

Commission Chair Handel - "Thank you."

Commissioner Pitts - "And how many responded?"

Mr. Roberson - "21."

Commissioner Pitts - "21?"

Mr. Roberson - "Yes, sir."

Commissioner Pitts - "And I assume then that the firms were ranked or rated based upon a point system?"

Mr. Roberson - "Yes, sir."

Commission Chair Handel - "Would you still stay at the microphone so we can hear the responses. Thank you. I'm not sure Commissioner Pitts heard your last response."

Mr. Roberson - "Yes, they were rated and evaluated."

Commissioner Pitts - "And the firm that's being recommended here was rated the highest?"

Mr. Noble - "There are several firms, Commissioners, that are being rated based on the evaluation results of the vendor selection committee that reviewed these proposals."

Commissioner Pitts - "What I'm asking, though, is the firm that's being recommended, was it rated the highest?"

Ms. Sharon Whitmore, Finance - "Commissioner Pitts, yes, City Group and Siebert, Brandford, Shank are being recommended as co-senior managers and they both had the same score."

Commissioner Pitts - "Were they rated? That's all I'm asking."

Ms. Whitmore - "Yes, sir."

Commissioner Pitts - "Okay. That's all I'm asking. Now the question here is, though, it says because most of these -- you and I have had this discussion -- most of these firms who seek to become underwriters they all do the same thing. We've had this discussion about just hitting a button on a computer and you change the name from one firm to another and it all comes out the same. And that's just the nature of that business. And we're paying for their experience, I suppose. But what is interesting about this one is that presumably the experience would pretty much be the same at least for several of those who responded. But with respect to the costs, where it says fee to be negotiated upon signing of bond bid purchase agreement, I've never seen that before."

Ms. Whitmore - "This transaction is in a negotiated financing. At this point we're selecting underwriters and we will work with the underwriters to develop all of the marketing documents for the bond issue. And based on market timing, the director of finance will work with the underwriters to actually issue the bonds and at that point in time we'll sign the bond purchase agreement. And all of the fees will be negotiated with the underwriters at that time."

Commissioner Pitts - "I understand the last part. I understand how the process works. But with respect to the fee that will be paid the firm, it seems to me, and I've been involved in a lot of them, you negotiate the fee with the firm and you proceed. And I just found this to be strange."

Ms. Whitmore - "This is the process that the County has followed for each of the issues that I've been involved with, that the fee has been negotiated at the point in time that the bond purchase agreement is signed. I don't know if Patrick wants to add anything to that."

Mr. O'Connor - "That is correct."

Vice Chair Boxill - "Commissioner Pitts, I'm not sure I understand what you're asking. Are you wanting to know that firm A is going to get a dollar or 10 percent or 30 percent of a figure? I'm trying to follow your question."

Commissioner Pitts - "Yes. Just that I've never seen that language before, that when you go through and you evaluate the firms who respond, qualifications, experience, financial standing and then there's a line item for the fee."

Vice Chair Boxill - "Fee. Right."

Commissioner Pitts - "And in this case, what struck me is it says that we're choosing this firm, but one of the major components of it is the costs and that's going to be negotiated on down the road. Now, if I were one of the others, I would have a problem with that. But if that's the way it is, that's the way it is. But I just find that strange. I have all the respect in the world for Mr. O'Connor. But don't misunderstand why I'm asking. I'm just trying to understand. I've just never seen that before. And typically, don't you have a spreadsheet with experience, et cetera, et cetera, about four or five columns and things that you look at and you award points on each one and one of the line items is costs?"

Ms. Whitmore - "On an RFP, yes, sir. What we asked for in this procurement was a request for qualifications and we did not ask the respondents to provide us with their fees because those fees would be negotiated at the time that the bond purchase agreement is signed."

Commissioner Pitts - "If that's the process, that's it. I'll have to agree to it. But that's very loosey goosey to me and again, if I were one of the others, I would be very upset about that."

Commission Chair Handel - "Is this process a standard, commonly accepted process that is used by other jurisdictions?"

Mr. O'Connor - "Yes."

Commission Chair Handel - "Okay. Thank you. Any other questions?"

Vice Chair Boxill - "I do."

Commission Chair Handel - "Okay. Commissioner Boxill."

Vice Chair Boxill - "On this same one."

Commission Chair Handel - "Yes. Still on number 3?"

Vice Chair Boxill - "Yes."

Commission Chair Handel - "Okay."

Vice Chair Boxill - "The bond?"

Commission Chair Handel - "Yes."

Vice Chair Boxill - "The package that I have looks like this with a cover memo from Patrick, doesn't list, for instance, who the contract is at the Malachi Group. It doesn't give me a sense of going to Commissioner Pitts' question whether or not these fees are expected to be 10 percent, 2 percent, 150 percent. I mean I just don't have a range. Is there a time-sensitive nature on this?"

Mr. O'Connor - "To answer your question, yes, they're -- they say Public Works is waiting for the sale of these bonds to commence the projects that were approved by the Board in the fall. To give you a sense of cost, in 1998 we back then had about a \$276-million issue. Basically, the cost of insurance ran approximately about one percent of the transaction. And I would have no reason to believe that they would vary much from that this time, Commissioner."

Vice Chair Boxill - "Well, is it possible to say in here that the costs for issuance shall not exceed one percent? Is that something that could be done?"

Mr. O'Connor - "Yes. Yes, but -- Yes."

Vice Chair Boxill - "You don't advise it?"

Mr. O'Connor - "It could be done."

Vice Chair Boxill - "Okay. Then my next question is if we waited. Who's here from Public Works? If we waited two weeks on this, would that be a burden?"

Mr. Tim Equels, Public Works - "Right now we're developing a lot of our procurement documents for the issuance of the 2004 project under the bond program. I'm not saying two weeks would make a difference one way or the other, but any more than that then we'll be we'll be awarding projects in June instead of May."

Vice Chair Boxill - "All right. I would be interested in holding this for two weeks to get some questions answered. But if it's the will of the Body to go forward, I --."

Commissioner Edwards - "Is that your motion?"

Commission Chair Handel - "Make a motion."

Vice Chair Boxill - "All right. I would make a motion to hold it."

Commissioner Edwards - "I second it."

Commission Chair Handel - "All right. So to hold?"

Vice Chair Boxill - "Not to exceed being presented at our next regularly scheduled meeting."

Commission Chair Handel - "All right. Let's vote on that and then we'll --."

Commissioner Lowe - "It's been called?"

Commission Chair Handel - "Yes. Vote to hold. All right. We're going to hold that for a period of time not to exceed two weeks and the motion that is currently on the floor is to now approve 1 through 7, with the exception of 3."

Commissioner Fulton - "That's my motion."

Commission Chair Handel - "That's your motion still?"

Commissioner Fulton - "It is now. It wasn't."

Commission Chair Handel - "It was? Oh, that's true. We had a substitute to do that one, to hold. So now we need another motion. So I'll make my motion and you second --."

Commissioner Fulton - "Move for approval."

Commissioner Lowe - "Second."

Commission Chair Handel - "Thank you. All right."

Commissioner Edwards - "This would happen with the one we held?"

Commission Chair Handel - "Yes."

Commissioner Edwards - "Yes."

Commissioner Fulton - "You could even slide the other one in."

Commissioner Edwards - "Madam Chair, may I make an observation?"

Commission Chair Handel - "Yes, you may."

Commissioner Edwards - "You know in these packets, and I think we said this earlier a couple of years ago about these contract performance reports for professional services. If you circle a grade of four, one, zero through four, there's a reason why you circled them. And it would help us a whole lot, whether good or bad, if you would put that comment where it belongs. And I've been seeing a lot of that coming across the desk and it tells me that you're doing this just as a formality. And we don't need to do this as a formality. If you tell me that he got four on the first one, I need to know why he got four. There was some rationale in your mind as to why he got four. And it would help us out a whole lot if you would do that. And I would ask the County Manager that on these performance reports that we put something in those comments. Thank you, Madam Chair."

Commission Chair Handel - "All right. Okay. Next item, please."

A. A motion was made by Commissioner Fulton and seconded by Commissioner Lowe to approve numbers 1-7. (NO VOTE TAKEN)

B. A substitute motion was made by Vice Chair Boxill to hold number 3 until the next Board meeting (3/3/04). The motion carried by a vote of 6-1-0. Commission Chair Handel, Vice Chair Boxill, and

Commissioners Pitts, Lowe, Darnell, and Edwards voted yes. Commissioner Fulton voted no.

C. A motion was made by Commission Chair Handel and seconded by Commissioner Lowe to approve numbers 1,2,4,5,6, and 7. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Boxill, and Commissioners Pitts, Fulton, Lowe, Darnell, and Edwards voted yes.

**04-0248 COUNTY MANAGER – NEW BUSINESS - PURCHASING -
REQUEST APPROVAL OF CHANGE ORDER GREATER THAN 10
PERCENT. (APPROVED)**

1. DEPARTMENT: Public Works

#98RFP003C

PROJECT: Glenridge Drive Widening and Improvements

PRIME CONTRACTOR: Presnell Associates, Inc. (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of Change Order No. 4 by increasing the revised contract amount from \$264,988.51, as amended by \$75,224.57 (49.5%), to a total revised amount of \$340,213.08.

EFFECT OF BOC'S ACTION: Increases the amount of the current contract and extends the time of completion to December 31, 2005.

ACTION: Approval of Change Order No. 4

REFERENCE: Fulton County Procedure 800-6(C) (3), changes in applicable law or regulation, which requires modification of the specifications.

REASON: To incorporate modifications to the specification and extend the time of execution due to changes in applicable law or regulation.

JUSTIFICATION: Change order work required to complete the design of the project.

WORK: Change Order Number Four is a request by GDOT to update the database, revise preliminary plans, provide supplemental final plans, provide traffic engineering services related to the post office driveway and Highpoint Intersection, additional environmental services, complete two environmental reevaluations, right-of-way staking for the entire project, and preparation of a soil survey.

IMPACT: Approval of change order #4 will allow for the project to proceed to construction.

BOARD OF COMMISSIONERS OF FULTON COUNTY



**STATE OF GEORGIA
COUNTY OF FULTON**

CERTIFICATION

I, Lois E. Shell, the undersigned Chief Deputy Clerk to the Commission of Fulton County, do hereby certify and declare that the attached is a true and correct copy of the **Minutes**, approved by the Board of Commissioners under Item #03-1289, at its Recess Meeting on October 15, 2003 as contained in its duly ratified minutes.

This 8th day of July, 2004.

A handwritten signature in cursive script that reads "Lois E. Shell".

Lois E. Shell, Chief Deputy Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]

**03-1289 COUNTY MANAGER – NEW BUSINESS - PURCHASING - REQUEST
APPROVAL OF RECOMMENDED PROPOSALS. (APPROVED)**

1. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Jail Inmates Medical Health Services Contract

RFP #: 04RFP707B

TOTAL AMOUNT OF PURCHASE: \$9,897,160.37

PRIME CONTRACTOR: Correctional Medical Associates
(Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval to award a medical services contract to Correctional Medical Associates to provide medical services for inmates at the Fulton County Jail in the amount of \$9,897,160.37.

EFFECT OF THE BOC'S ACTION: Approval of a contract award for jail medical health services in the amount of \$9,897,160.37 to include two (2) additional twelve-month renewal options.

Mark Massey, County Clerk - "Page 21. I'm sorry. Page 22. **03-1289.** Request approval of recommended proposals."

Commissioner Boxill - "Move approval."

Commissioner Lowe - "Second."

Commissioner Fulton - "Mr. Chairman."

Vice Chairman Edwards - "Moved and seconded. Any discussion?"

Commissioner Fulton - "I have a question."

Vice Chairman Edwards - "Okay. Commissioner Fulton."

Commissioner Fulton - "This is 1289? Is that the right one?"

Mark Massey - "Yes."

Commissioner Fulton - "That's with the company, Correctional Medical Associates, is that correct?"

Mr. Noble - "Yes."

Commissioner Fulton - "Do we have contracts with them already?"

Mr. Noble - "Yes, sir."

Commissioner Boxill - "Yes."

Mr. Noble - "Yes. The current contractor."

Commissioner Fulton - "Is this a replacement for a previous contractor or is this a separate contract. We went through a discussion about extensions and so on. What's the story?"

Mr. Noble - "This is a new solicitation, Commissioner Fulton, a new contract."

Commissioner Fulton - "Now, does it replace the other one that we were discussing earlier?"

Mr. Noble - "No, sir."

Mr. Andrews - "Commissioner, the one you were discussing earlier, if I remember, sir, was the mental health contract. This is the somatic...."

Vice Chairman Edwards - "Yes."

Mr. Andrews - "...care, physical health contract."

Commissioner Fulton - "What was the magnitude of the other contract, \$5 million or something like that?"

Mr. George Herron, Sheriff's Department - "It's \$4 million."

Commissioner Fulton - "And so this one is almost \$10 million."

Mr. Herron - "Yes. This is a physical portion of a medical contract instead of the mental."

Commissioner Fulton - "Are they overlapping or are they separate activities?"

Mr. Herron - "They're separate, sir."

Commissioner Fulton - "Okay. I was just a little bit surprised. I'm not trying to dig into the details on this, but as a member of the organization, the Board that has to allocate money, this one is \$10 million, roughly. And the other is \$5 million. That's \$15 million of the Sheriff's \$78-million budget. That's like 20 percent of the total budget in the Sheriff's Department. Is that correct?"

Mr. Herron - "Yes. One is 4 million, sir, and one is 9 million. That's correct but you got --."

Commissioner Fulton - "9.8 million."

Mr. Herron - "Say it again, sir."

Commissioner Fulton - "This one's 9.8 million."

Commissioner Lowe - "9.9."

Mr. Herron - "9.8 million, approximately, yes."

Commissioner Fulton - "So what that represents, if I understand correctly, then is close to \$15 million of the Sheriff's budget, which is 20 percent of it. And I just thought that was a little bit surprising to see that magnitude of that of the Sheriff's budget going to one single contract albeit for two different services."

Vice Chairman Edwards - "Are you advocating increasing her budget?"

Commissioner Fulton - "No. I'm trying to understand her budget and where the money's going is what I'm trying to do since it's almost invisible to us as Commissioners."

Commissioner Boxill - "May I ask a question?"

Commissioner Fulton - "So I don't have any problem with it if that's the recommendation and based on the evaluation. It looks like it was, if I understood the information, this one was bid out and it was the low bidder."

Mr. Herron - "Yes, sir. It was."

Commissioner Fulton - "Okay. Fine. I'm satisfied."

Vice Chairman Edwards - "Okay. Commissioner Darnell."

Commissioner Fulton - "Just the magnitude."

Vice Chairman Edwards - "Right."

Commissioner Darnell - "Am I next?"

Vice Chairman Edwards - "You're next."

Commissioner Darnell - "All right. Thank you, Mr. Chairman. I would like to know how many proposals were received."

Mr. Noble - "We received three, Commissioner."

Commissioner Darnell - "Three?"

Mr. Noble - "Three."

Commissioner Darnell - "What was the second lowest? I'm assuming this was the lowest."

Mr. Noble - "The recommended vendor is the lowest."

Commissioner Darnell - "The lowest."

Mr. Noble - "The lowest."

Commissioner Darnell - "I'm asking about the next lowest. You don't need to give me the name but the amount. What was the next lowest amount?"

Mr. Noble - "There's a \$3 million additional cost to buy the second lowest vendor."

Commissioner Darnell - "All right. Thank you. I recall some years ago, Mr. Andrews, that we received, maybe I should ask Ms. Brantley, did we receive a directory from the Federal Court at the time when we were under that order directing us to contract with this company? Is this the company that we received a direct order to --."

Madam Attorney - "Commissioner, I can't be certain that it's this company. But we certainly did receive an order from the court directing us to contract with a particular company."

Commissioner Darnell - "You don't remember whether it was this one?"

Mr. Andrews - "We believe it was this company, Commissioner."

Commissioner Darnell - "It was this company?"

Mr. Andrews - "Yes. Yes, ma'am."

Commissioner Darnell - "Yes. I'm going to assume, Mr. Noble, that the purchasing operation did not take into account a directive from the Federal Court at the time we were under a court order in making your recommendation on this particular contract since we're no longer under that court order."

Mr. Noble - "No, ma'am. It did not enter into the selection process at all."

Commissioner Darnell - "And therefore in your preliminary evaluation of the proposals, you are not affected at all by the fact that the Federal Court as a matter of fact had directed us to enter into a contract with this firm at some time in the past."

Mr. Noble - "No, ma'am."

Commissioner Darnell - "All right. May I ask the representative from the Sheriff's Department...."

Mr. Herron - "Yes, ma'am."

Commissioner Darnell - "...were you affected at all in your evaluation of this record by the fact that the Federal Court at some time in the past had directed us to do business with this company?"

Mr. Herron - "No, ma'am. I wasn't. I wasn't even on the selection committee."

Commissioner Darnell - "Were you on the selection committee this time?"

Mr. Herron - "No. No, ma'am."

Commissioner Darnell - "All right. Well, to your knowledge do you know whether or not persons representing your department on the selection committee were affected at all by the fact that we were directed by a Federal Court to do business with this company at one time?"

Mr. Herron - "No, ma'am."

Commissioner Darnell - "All right. Thank you."

Vice Chairman Edwards - "Okay. Any further discussion?"

Commissioner Pitts - "Yes, just --."

Vice Chairman Edwards - "Commissioner Pitts."

Commissioner Pitts - "One quick one. This is a new contract."

Mr. Noble - "Yes, Commissioner."

Commissioner Pitts - "And with two additional 12-month renewal options. At what point during next year will you have to come before us so we won't have -- I'm trying to get it straight in my own mind if you make a decision to renew."

Mr. Noble - "In accordance with your rules, this contract begins 1, January, 2004. It ends December 31, 2004."

Vice Chairman Edwards - "Okay."

Mr. Noble - "Therefore, consistent with your policy, it would appear before this Board at the earliest in September in 2004. If the Sheriff determines to seek renewal."

Commissioner Pitts - "If the Purchasing Department, when you'll be making a presentation...."

Vice Chairman Edwards - "No."

Commissioner Pitts - "...in September. I just needed the date to so September."

Mr. Noble - "September."

Commissioner Pitts - "Okay."

Vice Chairman Edwards - "Okay. What's the minority participation on this again, I don't think I heard?"

Ms. Mathis-Browder - "100 percent."

Vice Chairman Edwards - "100 percent, okay. Any further discussion? Cast your votes on the motion to approve."

Commissioner Darnell - "You might ask them to give a call to ACCG and tell them how to --."

Vice Chairman Edwards - "Next, Mr. Clerk."

A motion was made by Commissioner Boxill and seconded by Commissioner Lowe to approve. The motion carried by a vote of 6-0-0.

CLERK'S NOTE: DOCUMENTS ON FILE IN THE CLERK'S OFFICE.

03-1233 COMMISSIONERS' ITEMS – UNFINISHED BUSINESS REQUEST APPROVAL OF RESOLUTION TO AMEND RULE 5 OF THE PROCEDURAL RULES FOR MEETINGS OF THE BOARD OF COMMISSIONERS, RELATING TO VOTING, SO AS TO CLARIFY THE RESULT OF A VOTE WHERE LESS THAN FOUR (4) AFFIRMATIVE VOTES HAVE BEEN RECORDED; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PITTS) (HELD 10/01/03) (FAILED)

Mark Massey, County Clerk - "Page 23. Commissioners' Items. Unfinished Business. 03-1233. Request approval of Resolution to amend Rule 5 of the Procedural Rules for Meetings of the Board of Commissioners, relating to voting, so as to clarify the result of a vote where less than four affirmative votes have been recorded, to provide for an effective date, and for other purposes. Commissioner Pitts."

Commissioner Pitts - "I would move approval. I can't tell you how many calls I received about people who saw this and watched it -- that we would even have a discussion about something as elementary as whether a motion passes or fails. So I'll try again. My motion is to approve. This is on whether or not if a motion that comes before us does not get four yes or affirmative votes, it fails. It's elementary, parliamentary procedure. So my motion is to approve."

Commissioner Darnell - "I'll second it, Mr. Pitts. Was it seconded?"

Mark Massey - "No."

Vice Chairman Edwards - "Uh-uh (negative)."

Commissioner Darnell - "I'll second it."

Vice Chairman Edwards - "Any discussion? Cast your votes on the motion to approve. That fails. Next case."

A motion was made by Commissioner Pitts and seconded by Commissioner Darnell to approve. The motion failed by a vote of 2-4-0. Vice Chairman Edwards and Commissioners Boxill, Fulton, and Lowe voted "no."



EXHIBIT / ATTACHMENT

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(To be scanned in place of tab)

BOARD OF COMMISSIONERS OF FULTON COUNTY



STATE OF GEORGIA
COUNTY OF FULTON

CERTIFICATION

I, Lois E. Shell, the undersigned Chief Deputy Clerk to the Commission of Fulton County, do hereby certify and declare that the attached is a true and correct copy of the **Minutes**, approved by the Board of Commissioners under Item #03-1167, at its Recess Meeting on September 17, 2003 as contained in its duly ratified minutes.

This 8th day of July, 2004.


Lois E. Shell, Chief Deputy Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]

ACTION: Approval of change order number two.

REFERENCE: FC Procedures 800-6(3), changes in applicable laws or regulations, which require modifications of the specifications.

REASON: To incorporate new National Pollutant Discharge Elimination System (NPDES) into the construction plans. Effective July 1, 2003, the NPDES requirement for erosion control plans was changed to include all construction sites of one acre or more. Previously, the requirement had applied to sites of five acres or more.

WORK: Change order work includes modifications to the Elimination System (NPDES) into the construction plans.

IMPACT: Approval of change order #2 will allow for the project to proceed to construction.

FUNDING:

Original Contract Amount: \$283,750

Change Order No. 1: \$ 87,829 (30.9%)

Change Order No. 2: \$ 19,655 (6.9)

Total Revised Amount: \$391,234 (37.8%)

A motion was made by Commissioner Lowe and seconded by Commissioner Fulton to approve. The motion carried by a vote of 5-0-0. Commissioner Darnell did not vote.

CLERK'S NOTE: DOCUMENTS ON FILE IN THE CLERK'S OFFICE.

**03-1167 COUNTY MANAGER – NEW BUSINESS - PURCHASING -
REQUEST APPROVAL TO RENEW EXISTING CONTRACT.
(APPROVED WITH THE EXCLUSION OF #2 & #22)**

1. DEPARTMENT: Emergency Services

SERVICE/COMMODITY: Public Safety 800MHz Trunked Radio
System Maintenance Contract

BID #: 20030006YC

TOTAL AMOUNT OF PURCHASE: \$1,364,898.75

PRIME CONTRACTOR: Motorola, Inc. (Atlanta, GA)

REQUESTED ACTION OF THE BOC: The approval of a renewal contract for the year 2004, in the amount of \$1,364,898.75 with Motorola, Inc. to provide maintenance and support of the Countywide 800 MHz Trunked Radio System.

EFFECT OF THE BOC'S ACTION: The approval of a renewal contract for the year 2004 in the amount of \$1,364,898.75 with Motorola Inc. to provide maintenance and support of the Countywide 800Mhz Trunked Radio System.

2. DEPARTMENT: Finance

SERVICE/COMMODITY: Cost Allocation Plans

BID #: 02RFP001C

TOTAL AMOUNT OF PURCHASE: \$40,250

PRIME CONTRACTOR: Association of County Commissioners of Georgia (ACCG), (Atlanta, GA)

REQUESTED ACTION OF THE BOC: To approve contract renewal with prime contractor in the amount of \$40,250.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with the Association of County Commissioners of Georgia (ACCG) to provide professional services in preparing the County's cost allocations plans from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget.

REMOVED BY THE BOARD AS REQUESTED BY THE COUNTY MANAGER.

3. DEPARTMENT: Finance

SERVICE/COMMODITY: Employee & Retiree Health Insurance

BID #: 02RFP005C

TOTAL AMOUNT OF PURCHASE: \$3,278,000

PRIME CONTRACTORS: Blue Cross/Blue Shield

(Atlanta, GA) - \$2,681,000, Eckerd Health Services (Pittsburgh, PA) - \$373,000, Horizon Behavioral Services (Lewisville, TX) - \$224,000

REQUESTED ACTION OF THE BOC: To approve contract renewals with prime contractors in the following amounts: Blue Cross/Blue - \$2,681,000, Eckerd Health Services - \$373,000, Horizon Behavioral Services - \$224,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of contracts with prime contractors to provide employee & retiree health insurance from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget

4. DEPARTMENT: Health & Wellness

SERVICE/COMMODITY: Medical Office Cleaning Services

BID #: 20030102YB

TOTAL AMOUNT OF PURCHASE: \$59,850

PRIME CONTRACTOR: Little Cleaning Services (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approve the renewal of a cleaning service contract with Little Cleaning Services in the amount of \$59,850.

EFFECT OF THE BOC'S ACTION: Approval of a 12-month contract for cleaning services for the period date of award through June 30, 2004, in the amount of \$59,850 with an option to renew for one additional 12-month period.

5. DEPARTMENT: Health & Wellness

SERVICE/COMMODITY: Dental Supplies

BID #: 20020013B

TOTAL AMOUNT OF PURCHASE: \$60,000

PRIME CONTRACTOR: Henry Schein Inc. (Melville, NY)

REQUESTED ACTION OF THE BOC: Approve the renewal of a 12-month contract with Henry Schein Inc. in the amount of \$60,000 to provide dental supplies for the period from date of award to June 30, 2004.

EFFECT OF THE BOC'S ACTION: Approval of a 12-month contract with Henry Schein Inc. in the amount of \$60,000 to provide dental supplies from date of award to June 30, 2004, with an option to renew for 1 additional 12-month period.

6. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Financial Reporting Software

BID #: Sole Source

TOTAL AMOUNT OF PURCHASE: \$50,263

PRIME CONTRACTOR: Information Builders Inc. (Atlanta, GA)

REQUESTED ACTION OF THE BOC: To approve a contract renewal with prime contractor in the amount of \$50,263.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Information Builders, Inc. to provide financial reporting software from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget

7. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Support and Maintenance for CAD (Computer Aided Dispatch) software system serving the County's Emergency Communications Department and underlying technology to support the system.

BID #: Sole Source

TOTAL AMOUNT OF PURCHASE: \$15,138.30

PRIME CONTRACTOR: PRC (Reston, VA)

REQUESTED ACTION OF THE BOC: Approval to renew an existing contract in the amount of \$15,138.30.

EFFECT OF THE BOC'S ACTION: Approval of a 12-month contract to provide software fixes, enhancements and new releases to complement existing software in the amount of \$15,138.30.

8. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Software Maintenance & Support Agreement

BID #: 01RFP11B

TOTAL AMOUNT OF PURCHASE: \$425,129.81

PRIME CONTRACTOR: Oracle Corporation (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of renewal option for software support maintenance in the amount \$425,129.81.

EFFECT OF THE BOC'S ACTION: Approval of a twelve-month maintenance renewal agreement in the amount of \$425,129.81.

9. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Software Maintenance Agreement for “CAMA” and “OASIS”

BID #: Sole Source

TOTAL AMOUNT OF PURCHASE: \$127,382.75

PRIME CONTRACTOR: Cole, Layer and Trumble (Dayton, OH)

REQUESTED ACTION OF THE BOC: Approve renewal of a Sole Source agreement for Software Maintenance in the amount of \$127,382.75.

EFFECT OF THE BOC’S ACTION: Approval of a 12-month contract for software maintenance and support for “Cama” and “Oasis” software for the Tax Commissioner and Tax Assessor for the period of January 1, 2004, through December 31, 2004, in the amount of \$127,382.75.

10. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Case Management Software Services

BID #: 2002011YA

TOTAL AMOUNT OF PURCHASE: \$115,500

PRIME CONTRACTOR: Canyon Solutions (Tempe, AZ)

REQUESTED ACTION OF THE BOC: Approval of a one (1) year contract renewal (2004) with Canyon Solutions to provide maintenance services for the Georgia Council of Juvenile Court Judges, Juvenile Case Activity Tracking System (JCATS) from January 1, 2004, through December 31, 2004, in the total amount of \$115,500.

EFFECT OF THE BOC’S ACTION: Award of contract renewal with Canyon Solutions to provide maintenance services of the Georgia Council of Juvenile Court Judges, Juvenile Case Activity Tracking System (JCATS) from January 1, 2004, through December 31, 2004, in the total amount of \$115,500.

11. DEPARTMENT: Library

SERVICE/COMMODITY: Maintenance and Support Agreement for the CARL Software System

BID #: Sole Source

TOTAL AMOUNT OF PURCHASE: \$140,000

PRIME CONTRACTOR: Carl Systems Inc. (Denver, CO)

REQUESTED ACTION OF THE BOC: Approval to renew maintenance and support agreement for the CARL Software System utilized by the Atlanta-Fulton Library System in the amount of \$140,000.

EFFECT OF THE BOC’S ACTION: Approval of a twelve-month contract for maintenance and software support agreement for the CARL Software System utilized by the Atlanta-Fulton Library System, for the period of January 1, 2004, through December 31, 2004, in the amount of \$140,000.

12. DEPARTMENT: Public Works

SERVICE/COMMODITY: Corporations Stops and Brass Fittings

BID #: 200300061YC

TOTAL AMOUNT OF PURCHASE: \$85,000

PRIME CONTRACTORS: Delta Municipal Supply Company (Lawrenceville, GA) - \$60,000, and Kendall Supply Company (Lawrenceville, GA) - 25,000.

REQUESTED ACTION OF THE BOC: The approval of a renewal contract with each of the prime vendors in an amount not to exceed \$60,000 for Delta Municipal Supply Company and \$25,000 for Kendall Supply Company.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of contracts with Delta Municipal Supply Company and Kendall Supply Company from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget.

13. DEPARTMENT: Public Works

SERVICE/COMMODITY: Copper Tubing

BID #: 20031013YC

TOTAL AMOUNT OF PURCHASE: \$80,000

PRIME CONTRACTOR: Kendall Supply, Inc. (Lawrenceville, GA)

REQUESTED ACTION OF THE BOC: The approval of a renewal contract with the prime vendor in an amount not to exceed \$80,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Kendall Supply, Inc. for fiscal 2004, pending approval of 2004 budget.

14. DEPARTMENT: Public Works

SERVICE/COMMODITY: Manhole Risers, Frames, Grates, etc.

BID #: 20031035YC

TOTAL AMOUNT OF PURCHASE: \$201,000

PRIME CONTRACTORS: Kendall Supply, (Lawrenceville, GA) - \$110,000, McArthur Concrete Products (Acworth, GA) - \$76,000, and U.S. Pipe & Foundry, (Atlanta, GA) - \$15,000.

REQUESTED ACTION OF THE BOC: To approve contract renewals with prime contractors in the following amounts: Kendall Supply - \$110,000, McArthur Concrete Products - \$76,000, and U.S. Pipe & Foundry - \$15,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of contracts with prime contractors to provide manhole risers, frames, grates, etc. from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget

15. DEPARTMENT: Public Works

SERVICE/COMMODITY: Fire Hydrant & Parts

BID #: 20031009YC

TOTAL AMOUNT OF PURCHASE: \$80,000

PRIME CONTRACTOR: Kendall Supply, Inc. (Lawrenceville, GA)

REQUESTED ACTION OF THE BOC: To approve a contract renewal with prime contractor in the amount of \$80,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Kendall Supply, Inc. to provide fire hydrant & parts from

January 1, 2004, through December 31, 2004, pending approval of the 2004 budget.

16. DEPARTMENT: Public Works

SERVICE/COMMODITY: Privatization of Solid Waste Management Composting and drop-off facility at Merk/Miles Road Landfill.

RFP#: 01RRFP005K

TOTAL AMOUNT OF PURCHASE: \$50,000

PRIME CONTRACTOR: Consolidated Resources Recovery (Sarasota, FL)

REQUESTED ACTION OF THE BOC: Approval to renew existing contract for twelve (12) months, subject to availability of funds.

EFFECT OF THE BOC'S ACTION: The renewal of a twelve (12) month contract will be from January 1, 2004, to December 31, 2004. The County is not obligated to pay the contractor for any operations associated with the privatization of the facility. The vendor operates the scales, maintains disposal bins, and operates the drop-off facility in return for operating the composting facility. In addition to privatizing facility operations, this agreement sets the maximum disposal rates paid by County residents, along with providing the County with 480 tons of free disposal and 540 tons of free mulch. However, this action would also approve an optional disposal fund for a cost not to exceed \$50,000 for emergency disposal fees for solid waste delivered by the County in excess of the free disposal provided under this agreement.

17. DEPARTMENT: Public Works

SERVICE/COMMODITY: Water Meter Boxes

BID #: 20021015YC

TOTAL AMOUNT OF PURCHASE: \$225,000

PRIME CONTRACTORS: Delta Municipal Supply

(Lawrenceville, GA) - \$150,000, National Water Works

(Kennesaw, GA) - \$5,000, Kendall Supply (Lawrenceville, GA) - \$70,000

REQUESTED ACTION OF THE BOC: To approve contract renewals with prime contractors in the following amounts: Delta Municipal Supply - \$150,000, National Water Works - \$5,000, and Kendall Supply - \$70,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of contracts with prime contractors to provide water meter boxes from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget.

18. DEPARTMENT: Public Works

SERVICE/COMMODITY: Yard Trimmings & Bulk Waste Collection Services

BID #: 20030001YC

TOTAL AMOUNT OF PURCHASE: \$709,320

PRIME CONTRACTOR: Latham Home Sanitation, Inc. (Red Oak, GA)

REQUESTED ACTION OF THE BOC: To approve a contract renewal with prime contractor in the amount of \$709,320.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Latham Home Sanitation, Inc. to provide yard trimmings & bulk waste collection services in unincorporated south Fulton County from January 1, 2004, through December 31, 2004, pending approval of the 2004 budget.

19. DEPARTMENT: Public Works

SERVICE/COMMODITY: Chemical Root Control

BID #: 20030013YC

TOTAL AMOUNT OF PURCHASE: \$298,000

PRIME CONTRACTOR: Duke's Sales & Service, (Syracuse, NY)

REQUESTED ACTION OF THE BOC: To approve a contract renewal with prime contractor in the amount of \$298,000.

EFFECT OF THE BOC'S ACTION: Will provide a renewal of a contract with Duke's Sales & Service to provide sewer root control service from January 1, 2004, through December 31, 2004, pending approval of 2004 budget.

20. DEPARTMENT: Public Works

SERVICE/COMMODITY: Fencing and Supplies

BID #: 20030010YC

TOTAL AMOUNT OF PURCHASE: \$98,000

PRIME CONTRACTOR: Hatmaker Fence Company, (Hapeville, GA)

REQUESTED ACTION OF THE BOC: The approval of a renewal contract with the prime vendor in an amount not to exceed \$98,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Hatmaker Fence Company for fiscal 2004, pending approval of the 2004 budget.

21. DEPARTMENT: Public Works

SERVICE/COMMODITY: Paving Repair Services

BID #: 20031029YC

TOTAL AMOUNT OF PURCHASE: \$330,000

PRIME CONTRACTOR(S): Flint Construction Co. (Lawrenceville, GA) - \$165,000 and HEH Paving, Inc. (Smyrna, GA) - \$165,000.

REQUESTED ACTION OF THE BOC: The approval of a renewal contract with the prime vendors in an amount not to exceed \$330,000.

EFFECT OF THE BOC'S ACTION: Will provide for the renewal of a contract with Flint Construction Co. and HEH Paving, Inc. for fiscal 2004, pending approval of 2004 budget.

22. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Mental Health Services

BID #: 01RFP002B

TOTAL AMOUNT OF PURCHASE: \$4,344,843.79

PRIME CONTRACTOR: Correctional Medical Associates (Atlanta, GA)
REQUESTED ACTION OF THE BOC: Approval of the renewal contract with Correctional Medical Associates to provide mental health services in the amount of \$4,344,843.79.

EFFECT OF THE BOC'S ACTION: Award of a renewal contract to Correctional Medical Associates to provide mental health services for the period of January 1, 2004, through December 31, 2004, in the amount of \$4,344,843.79.

23. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Jail Food Services

BID #: 02RFP001B

TOTAL AMOUNT OF PURCHASE: \$4,541,925

PRIME CONTRACTOR: Aramark Correctional Services (Oak Brook, IL)

REQUESTED ACTION OF THE BOC: Approval of renewal contract with Aramark Correctional Services to provide jail food services in the amount of \$4,541,925.

EFFECT OF THE BOC'S ACTION: Award of a renewal contract with Aramark Correctional Services to provide jail food services for the period of January 1, 2004, through December 31, 2004, in the amount of \$4,541,925.

Mark Massey, County Clerk - "Page 13. 03-1167. Request approval to Renew Existing Contracts. That's numbers 1, 3, -- numbers 1 and 3 through 23. Only number 2 has been removed."

Vice Chairman Edwards - "Two has been removed?"

Mark Massey - "Yes."

Commissioner Darnell - "Mr. Chairman."

Commissioner Lowe - "Second."

Vice Chairman Edwards - "Okay. Commissioner Darnell."

Commissioner Darnell - "I have a couple of questions pertaining to items in this particular section. With respect to number 8, Software Maintenance and Support Agreement, when does this agreement expire? Is this the last year of the renewal? Is someone here from the department? This is IT."

Mr. Noble - "Information Technology, Robert."

Robert Taylor, IT, Director - "It expires at the end of this year, Commissioner."

Commissioner Darnell - "It expires --."

Mr. Taylor - "Yes. This is a renewal --."

Commissioner Darnell - "Is this the last? Is this a two three-year? How many renewals do we have on this?"

Mr. Taylor - "We have one more."

Commissioner Darnell - "We have one more."

Mr. Taylor - "Yes, Commissioner."

Commissioner Darnell - "All right. One more after this one."

Mr. Taylor - "End of this -- I said the end of this year, it will be the end of 2004."

Commissioner Darnell - "End of 2004."

Mr. Taylor - "Yes, Commissioner."

Commissioner Darnell - "Okay. All right. Thank you. With respect to -- I think that one has been removed --."

Mr. Noble - "What one?"

Commissioner Darnell - "With respect to number 11. Do we have any minority or female vendors or subcontractors related to this project?"

Mr. Noble - "No, Commissioner."

Commissioner Darnell - "All right. This is from the library?"

Mr. Noble - "That's correct."

Commissioner Darnell - "The maintenance and support agreement of the CARL Software System. Do we have anybody here from the library? I want somebody who can talk about the contract. I really have the same question. Is this the last year for this?"

Edward Robinson, Library - "Yes, ma'am. It is --."

Commissioner Darnell - "This is the last renewal?"

Mr. Robinson - "Yes, ma'am. We are anticipating starting up with the SIRSI System in April of 2004."

Commissioner Darnell - "That's what I was thinking. Yes. This is the last year for this one."

Mr. Robinson - "Yes. Yes."

Commissioner Darnell - "And this is maintenance only. No procurement of any hardware or anything."

Mr. Robinson - "Yes, ma'am. You're correct."

Commissioner Darnell - "All right. Let me ask you while you all are here. Library has one of the worst records of all of the County departments in the area of having an effective minority and female recruitment and outreach program. I think that we probably mentioned this before. What kinds of steps are being taken to deal with this situation? After we leave Grady Hospital and the Sheriff's Department, the library receives the third highest amount of County funding. And it's becoming a little uncomfortable for us to have to explain how over and over and over again the library comes in with zero participation without any opportunities for any participation by African American, Latino, Asian American, and other minority-owned groups in Fulton County, as well as female-owned groups. And because of the service areas that we have, I think we're one of the few departments, the library, that's really substantially located in every district in this County. And if anybody ought to know a community, it ought to be the Atlanta Fulton County Library."

Mr. Robinson - "Right."

Commissioner Darnell - "So I think perhaps since our citizens here, month after month after month, they may be interested in knowing what are some of the kinds of things that the staff is working on that are designed to deal with this situation. Because obviously it can't continue. We can't continue."

Mr. Robinson - "Right. Currently, we're working with the Auburn Avenue Research Library. And that's an excellent opportunity. We're looking at buying a special collection from MFBE business and we're in the process with those collections right now. And we're coming down the home stretch and we'll be getting in contact with Purchasing and especially Contract Compliance. Because several of the vendors that we use and they're out of state and some are even out of the country, however, they're still considered MFBE businesses. And we want to make sure that they get registered with Contract Compliance so that it will reflect on our report."

Commissioner Darnell - "It sounds like a good start. You do understand, though, it's...."

Mr. Robinson - "Yes, ma'am."

Commissioner Darnell - "...got to be the bottom line?"

Mr. Robinson - "Yes, ma'am."

Commissioner Darnell - "Yes. You know, we don't believe in that old time contract compliance where you have tea and cookies and hand out brochures."

Mr. Robinson - "Yes, ma'am."

Commissioner Darnell - "And get your pictures taken. The bottom line up here now is the dollars that are going. And we want minority and female contractors to have an opportunity to compete. We don't guarantee."

Mr. Robinson - "Right."

Commissioner Darnell - "We don't guarantee. But we want them to have an opportunity to compete."

Mr. Robinson - "Right."

Commissioner Darnell - "And our experience has been that where they have an opportunity to compete, they are selected. Because in all of my years in dealing with this, I don't know about you, Mr. Pitts, but I've never had a minority owner or female-owned company to come to me and say, could you fix it where I could get something extra?"

Mr. Robinson - "Right. Right."

Commissioner Darnell - "In all these years, I've never heard of it. I've heard it from some other folks, though."

Mr. Robinson - "Right."

Commissioner Darnell - "But in any case, I've never heard that from minority-owned and female-owned companies. They just want a chance and it looks like you're moving in that direction and I think it's going to lead to some real changes here on the bottom line."

Mr. Robinson - "Yes, ma'am."

Commissioner Darnell - "And I wanted to mention that here putting on my hat now as representing the largest district in Fulton County. People in my district, all of them from Buckhead back to Bankhead...."

Mr. Robinson - "Right."

Commissioner Darnell - "...they want us to spend their money fairly."

Mr. Robinson - "Right."

Commissioner Darnell - "And it looks kind of bad when you're putting \$30 million in a department and they come in month after month after month with zero. I think it's just going

to take some creativity. I know it's not intentional. But you have to get out and work for this stuff."

Mr. Robinson - "Uh-huh (affirmative)."

Commissioner Darnell - "You know. One of our departments that does an excellent job on this is the Sheriff's Department. And that's because the department management they take positive steps to find out who are the people, you know, who have what we are buying, you know. I don't make these comments too often because I think it's a matter of personnel performance, really. That's why I don't say much about it. Because it's a matter of performance. Either you're doing your job or you're not doing it. But I think that if I can lend any encouragement to what you're doing, I wanted to do so today. Thank you, Mr. Chairman."

Vice Chairman Edwards - "Okay. Any further discussion?"

Commissioner Pitts - "Yes."

Vice Chairman Edwards - "Commissioner Pitts."

Commissioner Pitts - "Mr. Chairman, members of the Board, there's several of these that deal with software maintenance and support and maintenance. And some of those are listed as Sole Source. And I'm not a technical person but can somebody kind of address that issue of maintaining software and supporting software where there's only -- Sole Source to me it means there's only one firm that can do it."

Mr. Taylor - "Commissioner, most of -- much of this software that we're talking about is proprietary and the companies themselves are they limit individuals who can provide the support. And it's much of it is for actually for the technical upgrades of the application on an ongoing basis."

Commissioner Pitts - "All right. Page 13. Item number -- Well, the first one actually under this section, 1167, that Motorola Contract."

Mr. Noble - "Commissioner, that particular contract has MFBE participation at the sub level to the level of at least 65 percent."

Commissioner Pitts - "Right. But that wasn't my question on that particular one. There I'm interested in whether or not this particular system is able to communicate with similar systems by other entities within Fulton County."

Rocky Moore, Emergency Services, Director - "Yes, sir. We can communicate with the City of Atlanta, Cobb County, Douglasville, DeKalb County. We're actually in a process now where we are programming radios to do that very thing."

Commissioner Pitts - "Okay. And on page 20, item No. -- That's included in the motion; right? These are 1 through 23? Item number 19, on page 20. This one has zero minority/female business participation, not a lot of money, \$298 thousand. But the service or commodity is Chemical Root Control. Now, what this -- if I'm reading this correctly -- simply providing sewer root control services. And the firm is from Syracuse, New York."

Mr. Noble - "That's correct, Commissioner."

Commissioner Pitts - "What does sewer root control mean? I'm just curious. I don't know."

Tim Equels, Public Works - "It's a specialized chemical that you apply in collection system. And it dissolves the roots and it keeps the system clean so that we don't have sewer backups."

Commissioner Pitts - "Were there any other firms that bid on this one, anybody local?"

Mr. Equels - "There wasn't any local. We sent out 32 bids and we only received two because of the special chemical requirements and this is the one that...."

Commissioner Pitts - "This a special --."

Mr. Equels - "...was collected."

Commissioner Pitts - "This is a special chemical for roots?"

Mr. Equels - "Right. One of the firms is in Charlotte, North Carolina, and one of them was from Syracuse, New York."

Commissioner Pitts - "Okay."

Vice Chairman Edwards - "Okay. Any further discussion?"

Commissioner Darnell - "Just --."

Commissioner Fulton - "Yes -- I'm sorry."

Vice Chairman Edwards - "Go ahead, Commissioner Fulton."

Commissioner Fulton - "Mr. Chairman, I have a question on one of these, if I may. It changed the numbering scheme but it's number 22, which is Mental Health Services for the Sheriff's Department."

Vice Chairman Edwards - "Okay. Go ahead."

Commissioner Fulton - "The reason I raise the question is, that this project came up a year ago and I have a copy of the motion that was made at that time. There was a motion to renew

this contract for one year and to rebid a new contract for the following year with a friendly amendment by the Chairman that 90 days prior to the end of the contract it be placed on the Agenda for reconsideration. This is the Post Agenda minutes of January the 8th. What happened then was this item came before us and we were asked to extend it. And the Board approved the concept of continuing it for one more year but it would be rebid. What the Sheriff has done is put it forward today without rebidding for another extension of the contract. Now, I don't know. Don't people understand what the motions by the Commission mean? I have no problem with any of the other items, but I can't support this item, whatever it's called. I think on our list it -- Well, they changed the numbering but it is, I think it's item 22, which was on the bottom of page 20. Unless somebody can convince me that there's a reason to continue it, we had directed them to rebid the product. And nobody's done that. So it's again there and as a matter of fact, it was discussed at some length the last time it came up. And we agreed to go ahead with it since it was time-critical. We're now eight months, let's see, not eight months, but four months before the end of the year. There's no real reason this couldn't be rebid, it seems to me."

Vice Chairman Edwards - "Mr. Andrews can you shed some light on that?"

Mr. Andrews - "Commissioner, I checked this as well, and I don't want to criticize the Post Agenda Minutes as being incorrect, but my recollection of the conversation is this: One, this was not a renewal last year; it was a new bid. It was a newly bid mental health contract. Two, the discussion that day revolved around whether or not and under what circumstances we should rebid the somatic care, the medical care, the medical contract, not the mental health contract. I don't know what happened to the minutes, whether they're right or wrong or indifferent. But that's what I recall. But the factual matter is that this was not a renewal last year. It was, in fact, a new reward because it had gone on the street and this would be the first renewal. So under those circumstances I thought it would be appropriate and I agree with the Sheriff, bring it forward to you again as a first renewal on this particular contract. There were only two respondents to the RFP last year and this was clearly the superior one in terms of product and cost."

Commissioner Fulton - "Now, Mr. Chairman, I just read from the minutes and I particularly remember the event. It was a renewal at that time, and I understand that the County Manager his memory may not be the same as mine, but I remember that it was a renewal and it was for one year. And part of why I remember is was I made the motion. This is related; the title is Mental Health."

Mr. Noble - "Page 20."

Commissioner Fulton - "I'm reading from the minutes of January the 8th, 2003, Mental Health, \$4 million 185 thousand 784, Correctional Medical Associates, Atlanta. And it was a request for approval of a contract renewal for mental health services in the indicated amount. And that is where that was at that time. And we approved it but the motion was to approve it but request that it be rebid. I haven't seen any discussion or justification for why it should not be rebid. And frankly, if it was not going to be rebid, then this Board should have had a

discussion on it and perhaps justified it. But I don't understand why we got to this point and the directions of the Board were not followed."

Vice Chairman Edwards - "Well --."

Commissioner Fulton - "And by the way the vote on that was six to one. Six votes for and one in opposition. And I think five of the people who are in the room voted for the motion. So what my point is, why don't they follow the directions we gave, which was go out and rebid it and see what happens? It may be that the same bidder comes back. That would be fine."

Vice Chairman Edwards - "Is this a time-sensitive thing?"

Unknown Male Speaker - "No, sir. We could --."

Commissioner Pitts - "Mr. Chairman."

Vice Chairman Edwards - "Yes. Okay. So I think where there's a discrepancy, I think the minutes might prevail on this. Go ahead, Commissioner."

Commissioner Pitts - "What was the date on that? Because I remember --."

Mark Massey - "January 8th."

Commissioner Fulton - "January the 8th."

Commissioner Pitts - "Yes. I remember that one also and Commissioner Fulton is correct. There was no discussion, no argument, debate about the qualifications of the firm. It was a process that was involved. And the agreement was that it would be rebid. And you're correct."

Commissioner Fulton - "That's correct. And that's my only concern with it. We need to rebid it as was indicated and if it turns out that there's only one bidder or whatever happens then so be it. At least the opportunity's there for other contractors to compete for it. Mr. Chairman, if I would ask the maker of the motion to delete this item from the motion, I would appreciate it and --."

Vice Chairman Edwards - "Is that your motion?"

Mark Massey - "Commissioner Boxill, with a second with Commissioner Lowe."

Vice Chairman Edwards - "Oh. They did mean to pull that out?"

Commissioner Fulton - "Could we just extract that one? We can vote on the other --."

Vice Chairman Edwards - "Well, let me make sure I'm clear. You're saying that we made a motion to --."

Mark Massey - "To approve...."

Commissioner Lowe - "Approve all of them."

Mark Massey - "...all the items under 1167."

Vice Chairman Edwards - "Okay. Is it proper to withdraw that one?"

Commissioner Fulton - "Or just --."

Vice Chairman Edwards - "That one?"

Commissioner Pitts - "They have to amend their motion to delete --."

Vice Chairman Edwards - "Yes. If --."

Commissioner Fulton - "If the maker will agree to...."

Vice Chairman Edwards - "Amend her motion."

Commissioner Fulton - "...to delete that item."

Vice Chairman Edwards - "Okay."

Commissioner Fulton - "That motion hadn't carried, yet. Yes."

Commissioner Boxill - "I'd like to speak."

Vice Chairman Edwards - "Had the motion carried? No."

Commissioner Boxill - "No --."

Vice Chairman Edwards - "Okay. Let me let Commissioner Boxill speak."

Commissioner Boxill - "I don't want to test my memory of that meeting but I think I could get some help. And my question is for the Purchasing folks and then also for the Sheriff, if there is someone here from the Sheriff's Department."

Mr. Noble - "There is."

Commissioner Boxill - "Okay. Is from the Purchasing perspective, is what you prepared a renewal of a contract, and if so, in what year are we of this contract?"

Mr. Noble - "Commissioner, this procurement was made under an RFP in 2001. It was brought to the Board as reported by Com --."

Commissioner Lowe - "What month was 2001?"

Mr. Noble - "I don't have that, Commissioner Lowe. But it was brought to the Board at its January 8th, 2003 meeting."

Commissioner Boxill - "I'm sorry. It --."

Mr. Noble - "2003. I'm sorry. It's been renewed at least once so this is the second. January 8th, 2003, was the second renewal."

Commissioner Boxill - "All right."

Commissioner Lowe - "No. No."

Vice Chairman Edwards - "Excuse me, Commissioner. Commissioner Boxill has the floor."

Commissioner Boxill - "So I want to take a *minute* --."

Mr. Noble - "January 8th, 2003 --."

Commissioner Boxill - "The first time you brought it to the Board for the commencing of the contract was when?"

Mr. Noble - "Without the official document before me, Commissioner, I'm thinking it was in 2001. And it was brought to this Board...."

Commissioner Boxill - "For a twelve-month period of time?"

Mr. Noble - "...for a twelve-month period of time."

Commissioner Boxill - "So then it came back to the Board --."

Mr. Noble - "And then it came back to you in 2002 for the first renewal and it repeated itself in January of 2003, where I recall there was much discussion --."

Commissioner Boxill - "Okay. But hold on just right there. I just wanted to get us into -- In the original contract, was it a five-year contract with yearly renewals or a 20-year contract or a one-year contract, because we often have contracts for more than one year?"

Mr. Noble - "Just a minute."

Commissioner Boxill - "Sure. Does someone from the Sheriff's Department want to address these same questions? Do you have a different recollection?"

Captain Antonio Johnson - "Yes, ma'am. It was one year, two-year renewals."

Commissioner Boxill - "So, and you think that you brought us -- Do you agree with Mr. Noble's dates that you brought it to us in 2001?"

Captain Johnson, Sheriff's Department - "This will be the second renewal. Yes, ma'am."

Commissioner Boxill - "So my understanding of the contract then, is that it was essentially a three-year contract...."

Captain Johnson - "Yes, ma'am."

Commissioner Boxill - "...that would get rebid sometime during year three. So the first year of the contract was 01 to 02."

Captain Johnson - "Yes, ma'am."

Commissioner Boxill - "The second year of the contract is 02 to 03. And the last and final year of the service is what you're asking for approval for now. So the time to rebid is very shortly...."

Captain Johnson - "That's right."

Commissioner Boxill - "...within 90 days of today. But we were contracting for a block of service, more than a 12-month period of service. With the difficulty that we had with the mental health services and the requirements that were placed on us by the courts and the criticisms that were made of our mental health services, we were reluctant to try to get a contractor in there for 12 months knowing that it's going to be rebid 90 days after they're on the spot doesn't guarantee a quality of service given that ramp up and the continuity they were looking for in this field. So it was, I think, Mr. Fulton, the intention of the Board for this to be rebid at the conclusion or during the renewal period. So now we have three different memories of it. But what we do have for sure that's not a memory but that's actual is the date of the first contract as it was presented one year, three-year renewals. Now we're in the third year. We need to go out for bid."

Vice Chairman Edwards - "Okay. Com --."

Commissioner Fulton - "If we could just --."

Vice Chairman Edwards - "Commissioner, Commissioner Pitts and then I'll get Commissioner Fulton."

Commissioner Fulton - "Let me just clarify --."

Vice Chairman Edwards - "Yes."

Commissioner Fulton - "And it's very clear, Commissioner Pitts' memory is correct and so I'm not prepared to support this particular action at this time."

Vice Chairman Edwards - "Commissioner Boxill, would you amend your motion to withdraw this particular entity so we can vote on it separately?"

Commissioner Boxill - "I'm willing to amend the motion to approve all items except number -- Is it number 22?"

Vice Chairman Edwards - "Right."

Commissioner Boxill - "And then I'd like to be recognized to move the approval of item 22."

Vice Chairman Edwards - "I will second that motion. Any discussion?"

Commissioner Darnell - "Mr. Chairman."

Vice Chairman Edwards - "Yes."

Commissioner Darnell - "I'd like to make a substitute motion that we approve the categories and pull the following item out for a separate vote. And that would be item number -- well, number eight. Is that what it is?"

Vice Chairman Edwards - "Number eight."

Commissioner Darnell - "Is that the one?"

Commissioner Fulton - "No. The one I was...."

Vice Chairman Edwards - "22."

Commissioner Darnell - "The one we're discussing?"

Commissioner Fulton - "...looking at is number...."

Vice Chairman Edwards - "22."

Commissioner Fulton - "...22."

Commissioner Darnell - "Okay."

Vice Chairman Edwards - "I think that's what she was saying."

Commissioner Fulton - "That's the same motion. Yes."

Commissioner Darnell - "Oh. I'm sorry."

Vice Chairman Edwards - "Okay."

Commissioner Darnell - "I just wanted to make sure that we could vote on number 22...."

Vice Chairman Edwards - "Yes."

Commissioner Darnell - "...separately."

Vice Chairman Edwards - "That's what she just did."

Commissioner Darnell - "Oh. Okay. Are there other items that we're going to be voting on separately?"

Vice Chairman Edwards - "No. No."

Commissioner Darnell - "Are there any others?"

Vice Chairman Edwards - "No. There are no others."

Commissioner Darnell - "Okay. In that case I have -- Is there a second?"

Vice Chairman Edwards - "There's no second --."

Commissioner Darnell - "Oh, she's already made that motion."

Vice Chairman Edwards - "I have seconded it."

Commissioner Darnell - "I withdraw mine. I withdraw mine."

Vice Chairman Edwards - "Okay. She withdraws her motion."

Commissioner Darnell - "Okay. I have a question, Mr. Chairman."

Vice Chairman Edwards - "Let me --."

Commissioner Pitts - "Mr. Lowe, who seconded it, Ms. Boxill's motion...."

Vice Chairman Edwards - "Yes."

Commissioner Pitts - "...has not agreed to withdraw his second."

Vice Chairman Edwards - "Okay. I'm sorry, Mr. Lowe. Would you withdraw your second?"

Commissioner Lowe - "I will."

Vice Chairman Edwards - "Thank you, sir. When you're 75, you do everything."

Commissioner Darnell - "Mr. Chairman."

Vice Chairman Edwards - "Yes, go ahead, Commissioner."

Commissioner Darnell - "I'd like to ask the representative from the Sheriff's Department, would you like to respond to why this contract was not rebid?"

Captain Johnson - "Upon renewing --."

Commissioner Darnell - "What was your understanding?"

Captain Johnson - "Upon renewing, looking at the contract and looking at the expiration date of the contract, I know we have to bring in contracts at least 90 days prior to renewal. I was unknowledgeable of what happened last year, so therefore I wanted to bring it before the Board 90 days so we could can be in -- conform to you all directives to make sure that we bring the contracts in for renewal."

Commissioner Darnell - "Was it your understanding that the Board had requested this contract be rebid?"

Captain Johnson - "No, ma'am."

Commissioner Darnell - "All right. Thank you. Thank you, Mr. Chairman."

Vice Chairman Edwards - "All right. Any further discussion? Vote on the motion to withdraw number 22, the mental health services from the Purchase --."

Commissioner Boxill - "Motion to approve all except 22."

Vice Chairman Edwards - "All except 22."

Mark Massey - "And number 2, actually, which was removed earlier but."

Commissioner Boxill - "Right. Because it's already --."

Commissioner Darnell - "I knew there was another one. Thank you, Mr. Clerk."

Vice Chairman Edwards - "Okay. All right."

Commissioner Darnell - "So it's 2 and 22."

Vice Chairman Edwards - "2 and 22. Any further discussion? Cast your votes on the motion, please."

Commissioner Boxill - "And then, Mr. Chair, if I could be recognized."

Vice Chairman Edwards - "Okay. That passes. Commissioner Boxill."

Commissioner Boxill - "I make a motion to approve item 22."

Vice Chairman Edwards - "Second. Any discussion?"

Commissioner Fulton - "Mr. Chairman, we had requested this be rebid and my position is still the same."

Commissioner Darnell - "Mr. Chairman."

Vice Chairman Edwards - "Yes, Commissioner Darnell."

Commissioner Darnell - "I think that we should follow directions on this. Looking at the minutes it's very clear on a six to one vote, that we asked to have this contract rebid. I would emphasize, however, that I'm voting for the motion in order to support the process and to encourage respect for formal action by this Board."

Vice Chairman Edwards - "And -- And basic --."

Commissioner Darnell - "Excuse me."

Vice Chairman Edwards - "Go ahead."

Commissioner Darnell - "Has nothing to do with my opinion of the recommended vendor. If this contract is rebid and this vendor is recommended, I'm prepared to support this vendor. But I think that the time has come when we must ask all departments to respect the formal action of this Board."

Vice Chairman Edwards - "I'm going to withdraw my second. And I think you're absolutely correct that the Board makes a policy that we should -- must stand by that policy. And it is clear by the minutes that the Board did make a policy on this issue. So I'm going to withdraw my second."

Commissioner Darnell - "Previous question."

Vice Chairman Edwards - "Is there a second? That fails for lack of a second. All right."

Commissioner Pitts - "So where are we?"

Commissioner Boxill - "We have no contract as --."

Vice Chairman Edwards - "I think there needs some to be some direction as to where we go from here on it."

Commissioner Boxill - "As I under --."

Vice Chairman Edwards - "But I think the minutes speak clearly on what we have to do. Am I correct?"

Mr. Noble - "You have a contract, Mr. Chairman, through December 31st."

Commissioner Boxill - "Right."

Commissioner Fulton - "That's right."

Commissioner Darnell - "Mr. Chairman, I have a motion."

Vice Chairman Edwards - "Okay. Commissioner Darnell."

Commissioner Darnell - "I move to approve all of the items in the section under renewal, removing 8 and 2."

Vice Chairman Edwards - "We just did that. We don't have a contract."

Commissioner Lowe - "It's been approved."

Vice Chairman Edwards - "It's been approved. Right now the issue --."

Commissioner Darnell - "I have to be specific the Agenda includes an 8 and a 2."

Vice Chairman Edwards - "O --."

Commissioner Darnell - "I'm moving that we approve each and every item except 8 and 2. Not talking about removing, not talking about discussion. I'm saying we approve all items except 8 and 2."

Mr. Noble - "Do you mean 22, Commissioner?"

Commissioner Darnell - "I mean...."

Vice Chairman Edwards - "22."

Commissioner Darnell - "...22."

Vice Chairman Edwards - "Mr. Clerk, was that not what we said?"

Commissioner Lowe - "That's exactly what we voted on --."

Mr. Noble - "You just voted on that."

Mark Massey - "That's already been approved."

Vice Chairman Edwards - "Okay. All right. Good."

Commissioner Darnell - "Put 22."

Vice Chairman Edwards - "Yes, 22. That's on the record."

Commissioner Darnell - "But we didn't have a motion to approve the others."

Commissioner Lowe - "Yes."

Vice Chairman Edwards - "Yes, we did."

Commissioner Lowe - "It's already passed."

Commissioner Darnell - "Well, you all are so brilliant. I wish you knew what I thought about your brilliance. Mr. Chairman, what do we need to do?"

Vice Chairman Edwards - "Mr. Clerk, will you tell us what did we vote on, what was the motion?"

Mark Massey - "Commissioner Boxill made a motion and Commissioner Edwards seconded it, approval of all of the items under item No. 03-1167. Request approval to renew existing contracts excluding numbers 2 and 22."

Vice Chairman Edwards - "Yes. Okay. That did it. Okay."

Commissioner Darnell - "All right. Thank you."

Vice Chairman Edwards - "Now, we had an issue about -- And you're saying right now that we don't have a contract until the end of the --."

Mr. Noble - "We have a contract until...."

Vice Chairman Edwards - "We have a contract. Okay. I'm cool."

Mr. Noble - "...until December 31st."

Vice Chairman Edwards - "All right. I got you."

Commissioner Darnell - "Mr. Chairman, would it be a good idea for the department to begin the bidding process immediately?"

Vice Chairman Edwards - "Well, absolutely."

Commissioner Darnell - "Thank you."

Vice Chairman Edwards - "Absolutely. I think so. Okay. Next case."

A. A motion was made by Commissioner Boxill and seconded by Commissioner Lowe to approve with the exclusion of number 2. (motion and second withdrawn)

B. A motion was made by Commissioner Boxill and seconded by Vice Chairman Edwards to approve with the exclusion of numbers 2 and 22. The motion carried by a vote of 5-1-0. Commissioner Pitts voted no.

C. A motion was made by Commissioner Boxill and seconded by Vice Chairman Edwards to approve number 22. Vice Chairman withdrew his second; therefore, the motion failed due to the lack of a second.

CLERK'S NOTE: DOCUMENTS ON FILE IN THE CLERK'S OFFICE.

**03-1168 COUNTY MANAGER – NEW BUSINESS - PURCHASING -
REQUEST APPROVAL OF SOLE SOURCE. (APPROVED)**

1. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Superior Court Civil Case Management
Software

BID #: Sole Source

TOTAL AMOUNT OF PURCHASE: \$58,000

PRIME CONTRACTOR: The Software Group (Plano, TX)

REQUESTED ACTION OF THE BOC: Approval of a sole source contract with The Software Group (TSG) to provide support and maintenance for the civil case management software, TSG imaging software and court administration software for Superior Court from

January 1, 2004, through December 31, 2004, in the total amount of \$58,000.

EFFECT OF THE BOC'S ACTION: Award of a sole source contract with The Software Group (TSG) to provide support and maintenance for the civil case management software, TSG imaging software and court administration software for Superior Court from January 1, 2004, through December 31, 2004, in the total amount of \$58,000.

A motion was made by Commissioner Lowe and seconded by Commissioner Fulton to approve. The motion carried by a vote of 4-1-0. Commissioner Pitts voted no and Commissioner Darnell did not vote.



EXHIBIT / ATTACHMENT

E

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BOARD OF COMMISSIONERS OF FULTON COUNTY



**STATE OF GEORGIA
COUNTY OF FULTON**

CERTIFICATION

I, Lois E. Shell, the undersigned Chief Deputy Clerk to the Commission of Fulton County, do hereby certify and declare that the attached is a true and correct copy of the **Minutes**, approved by the Board of Commissioners under Item #04-0499, at its Recess Meeting on April 21, 2004 as contained in its duly ratified minutes.

This 8th day of July, 2004.

A handwritten signature in cursive script that reads "Lois E. Shell".

Lois E. Shell, Chief Deputy Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]

Commission Chair Handel - "Okay. All right. Did we get a second on that motion?"

Mark Massey - "Yes."

Commission Chair Handel - "Okay. Any other? Please vote. Okay. That passes. Next item, please."

A motion was made by Commissioner Lowe and seconded by Commission Chair Handel to approve numbers 1-10 with Commissioner Pitts voting no on number 2. The motion carried by a unanimous vote of 6-0-0. Commission Chair Handel, Vice Chair Boxill, and Commissioners Pitts, Lowe, Darnell, and Edwards voted yes.

**04-0499 COUNTY MANAGER – NEW BUSINESS - PURCHASING -
REQUEST APPROVAL OF RECOMMENDED
PROPOSALS.(APPROVED)**

1. DEPARTMENT: Information Technology

SERVICE/COMMODITY: Hardware Maintenance

RFP #: 04RFP0004B

TOTAL AMOUNT OF PURCHASE: \$213,757.04

PRIME CONTRACTOR: IBM (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of award for hardware maintenance to IBM in an amount not to exceed \$213,757.04 for a period of twelve (12) months.

EFFECT OF BOC'S ACTION: Approval of contract for Hardware Maintenance to IBM for a period of twelve (12) months, with an option to renew for three (3) additional twelve-month periods, pending Board approval and availability of funding.

2. Item removed prior to printing agenda.

3. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Operations and Maintenance Services

RFP #: 04RFP003YB

TOTAL AMOUNT OF PURCHASE: \$1,459,361

PRIME CONTRACTOR: Aramark Facility Services (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Approval of award to Aramark Facility Services to provide operations and jail maintenance services for the Fulton County jail, in an amount not to exceed \$1,459,361.

EFFECT OF BOC'S ACTION: Award of contract to Aramark Facility Services to provide operations and jail maintenance services for the Fulton County jail in an amount not to exceed \$1,459,361 for the period May 1, 2004, to April 30, 2005, to include two (2) additional one (1) year option renewals.

4. DEPARTMENT: Public Works
SERVICE/COMMODITY: Design Services for Bell Road at Rogers Circle
RFP #: 03RFP300K
TOTAL AMOUNT OF PURCHASE: \$152,861.31
PRIME CONTRACTOR: US Infrastructure, Inc (Atlanta, GA)
REQUESTED ACTION OF THE BOC: Approval of a contract to provide design services for the Transportation Division for the Bell Road at Rogers Circle Road Intersection project for a period not to exceed 365 days.
EFFECT OF BOC'S ACTION: Award of a contract in the amount of \$152,861.31 to US Infrastructure, Inc. for design services.

Mark Massey, County Clerk - "Page 16, 04-0499, request approval of recommended proposals, numbers 1, 3 and 4."

Commissioner Lowe - "Make a motion to approve 1. Make a motion to approve 2."

Mr. Jerome Noble, Purchasing - "Not 2 --."

Commission Chair Handel - "2 has been taken out. 3?"

Mr. Noble - "Number 3."

Commissioner Lowe - "I make a motion to approve 3."

Commission Chair Handel - "And then there's a fourth one. Are you going to include that one?"

Commissioner Lowe - "Might as well. 4 also."

Commission Chair Handel - "Okay."

Vice Chair Boxill - "Second."

Commission Chair Handel - "All right. Any discussion?"

Commissioner Pitts - "I'll be voting yes on 3 and 4 and no on 1."

Commission Chair Handel - "All right. That motion does carry. Thank you. Next item."

A motion was made by Commissioner Lowe and seconded by Vice Chair Boxill to approve numbers 1, 2, and 4 with Commissioner Pitts voting no on number 1. The motion carried by a unanimous vote of 6-0-0. Commission Chair Handel, Vice Chair Boxill, and Commissioners Pitts, Lowe, Darnell, and Edwards voted yes.



EXHIBIT / ATTACHMENT

F

(To be scanned in place of tab)

BOARD OF COMMISSIONERS OF FULTON COUNTY



STATE OF GEORGIA
COUNTY OF FULTON

CERTIFICATION

I, Lois E. Shell, the undersigned Chief Deputy Clerk to the Commission of Fulton County, do hereby certify and declare that the attached is a true and correct copy of the **Minutes**, approved by the Board of Commissioners under Item #03-0679, at its Regular Meeting on June 4, 2003 as contained in its duly ratified minutes.

This 8th day of July, 2004.

A handwritten signature in cursive script that reads "Lois E. Shell".

Lois E. Shell, Chief Deputy Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]

**03-0679 PURCHASING - SPREADING ON THE MINUTES:EMERGENCY
PURCHASE ORDER (APPROVED)**

1. DEPARTMENT: Fire

SERVICE/COMMODITY: Engine replacement

PURCHASE ORDER: 03SC92040

TOTAL AMOUNT OF PURCHASE: \$25,426.55

PRIME CONTRACTOR: Williams Detroit Diesel (Atlanta, GA)

REQUESTED ACTION OF THE BOC: Ratification of the County Manager's approval and spreading on the minutes of the emergency purchase order for engine replacement.

EFFECT OF BOC'S ACTION: Ratification of the County Manager's action and approval of the \$25,426.55 procurement for engine replacement to Truck 11.

2. DEPARTMENT: Sheriff

SERVICE/COMMODITY: Jail Management Study

PURCHASE ORDER: 03SC56945

TOTAL AMOUNT OF PURCHASE: \$149,803

PRIME CONTRACTOR: Community Safety Institute (DeSoto, TX)

REQUESTED ACTION OF THE BOC: Ratification of the County Manager's approval and spreading on the minutes of the emergency purchase order to Community Safety Institute for a jail management study in an amount not to exceed \$149,803.

EFFECT OF BOC'S ACTION: Ratification of the County Manager's action and approval of a jail management study in the amount of \$149,803 from date of award through August 31, 2003.

***3. DEPARTMENT: Economic & Community Development**

SERVICE/COMMODITY: Animal Control Services

TOTAL AMOUNT OF PURCHASE: \$175,000

PRIME CONTRACTOR: Southern Hope Humane Society (Powder Springs, GA)

REQUESTED ACTION OF THE BOC: Ratification of the County Manager's approval to extend an emergency interim contract with Southern Hope Humane Society for the period of June 1st - June 30th, 2003, in the amount of \$175,000.

EFFECT OF BOC'S ACTION: Approval of a contract to provide animal control services in unincorporated Fulton County, as well as the cities of Atlanta, East

Point, Hapeville, Palmetto, Union City, Fairburn, Mountain Park, Roswell, and Alpharetta.

WORK: Animal Control Services to preclude a threat to public health, welfare and safety of the citizens of Fulton County.

***NUMBER 3 WAS MOVED TO THE REGULAR MEETING AGENDA FOR SEPARATE CONSIDERATION AS REQUESTED BY VICE CHAIRMAN EDWARDS.**

Mark Massey, Clerk to the Commission - "Mr. Chairman, we're now moving to page 8. An item removed from the Consent Agenda. 03-0679. This is a purchasing item, Number 3, Economic and Community Development Animal Control Services as requested by Vice Chairman Edwards."

Vice Chairman Edwards - "Yes. Go ahead, Emma."

Commissioner Darnell - "Yes. I had a question on that just for information. We recognize this as an extension of the emergency contract and of course I support that extension because employees of the interim contract that need to be paid. I'd like to ask the Purchasing Director, though, to advise us as to the reasons for the need for the extension. The record indicates that the selection committee completed their review -- was that May 7th? -- and which you would think would probably be sufficient time for the Board to consider the recommendation even at our last meeting. But of course, that was not the case nor do we have the recommendation at this meeting. I think perhaps when we put that in consent, that doesn't give the public enough information about why the extension was necessary."

Mr. Andrews - "Commissioner, may I answer?"

Commissioner Darnell - "Of course, whoever."

Mr. Andrews - "Two --."

Commissioner Darnell - "Yes. Mr. Andrews."

Mr. Andrews - "Two basic reasons for the extension. One, is we were waiting to hear from the City of Atlanta what their intentions are going to be with respect to being in or out of the animal control services that the County provides. I was told this morning that we would expect a letter from the City

tomorrow indicating that they would like to be included in those services for the next 12 months. That's the first reason. The second reason is I personally wanted to read the responses to the RFP. I have done so and I had a question with respect to a need for clarification on one of the items of one of the proposals in concert with the purchasing agent. I met with the Evaluation Committee they agreed that a clarification, in fact, was required. We received the answer to that clarification I think on Monday of this week."

Mr. Jerome Noble - "That's correct."

Mr. Andrews - "And I have asked the purchasing agent to reconvene the evaluation committee and make the final recommendation before the end of this week."

Commissioner Darnell - "When do you contemplate presenting a recommendation to the Board of Commissioners?"

Mr. Andrews - "June the 18th."

Commissioner Darnell - "All right. Thank you. I thank you, Mr. Chairman. I move for ratification of the action for the extension of the contract."

Vice Chairman Edwards - "Reappoint it?"

Commissioner Darnell - "Yes."

Chairman Kenn - "Motion to approve."

Vice Chairman Edwards - "Yes. To ratify. Sure."

Commissioner Darnell - "To approve, ratify the extension of the contract."

Chairman Kenn - "Approved. Next item."

A motion was made by Commissioner Darnell and seconded by Commissioner Edwards to ratify the extension of the contract (Item 03-0679 [#3]). The motion carried by a vote of 6-0-0. Commissioner Boxill did not vote.

*** * * End of Consent Agenda Items * * ***