

**MINUTES
BOARD OF COMMISSIONERS
CRISP COUNTY
FEBRUARY 1, 2002**

Chairman J. R. Dowdy, Jr. called the meeting to order. Commissioners James D. Harris, Wallace Mathis, A. James Nance, Joyce C. Pheil, County Attorney Guy D. Pfeiffer, County Labor Attorney Michael O'Quinn, and secretary Linda Finch in attendance. Mr. Dowdy gave the invocation.

GEORGIA STATE PATROL BUILDING

Sheriff Donnie Haralson stated that he has been approached by the Georgia State Patrol and Department of Public Safety regarding a new facility as the one they are presently in was built in 1963, it is in pretty bad shape, and they have requested a new building. He advised that he, Mrs. Pheil, Mr. Harris and Mr. Pfeiffer met the other day on what they needed, and they are satisfied with the way it is going, and stated that some other counties have shown interest in building a new Patrol Post in their County. He has spoken with the Post Commander over this District, the Colonel, and the Commissioner who is the Director of the Department of Public Safety, they have indicated that they will work with us, hear what we have to offer, but they did want to go forward with a new facility. He advised that we have two problems, now that the State Patrol and Drivers License have split up, we have two divisions, so that would still leave something to be done with the Drivers License Facility, and he plans to speak to the Commissioners over the Drivers License concerning this. He has a meeting with each division next week, and in the work session that they have had, they have come up with a letter to each division regarding their facility. Chairman Dowdy advised that it will not cost the taxpayers anything if we allocate some SPLOST funds. Mr. Pfeiffer stated that they have met with various Department Heads and the Department Heads are providing us with the areas that they can put off into the next SPLOST allocation. Mrs. Pheil stated that she feels comfortable that we can do this without putting the burden on any one department as long as we bring this project in underbudget. All Commissioners agreed that we want to keep this facility in Crisp County, and they appreciate the Sheriff bringing this to their attention.

Motion by Mrs. Pheil, seconded by Mr. Nance and motion carried, agreeing to sign letters to both divisions in support of this project in Crisp County.

CDBG GRANT SITE

Don tenBensel introduced Ebony White, new Historic Preservation Planner with Middle Flint RDC, who will be working with him on the Community Development Block Grant, and reported that he has had two meetings with the Community Council, had the Public Hearing, and they and the architect are ready, and need the direction of the Board of Commissioners on which site they want to use for this building. Mrs. Pheil would like to see it around the Rec. Department so both buildings can compliment each other. Mr. Nance asked what other locations had been discussed, and Mr. tenBensel stated the administration building on the Gillespie Seldom, Rite Aide Pharmacy Building, and somewhere in the downtown area. Mr. Harris stated that when they discussed the area around the Rec. Building, the problem of transportation came up so they talked about working with the county transportation system to be able to transport the young people back and forth out there, also they talked with the school board about buses leaving the schools and

stopping out here. Mr. tenBensel stated that as long as the issue of transportation is addressed, he doesn't think we would have a problem with the site, and the paved street and water and sewer will count as the County's match and leverage.

Motion by Mrs. Pheil, seconded by Mr. Nance and motion carried, agreeing to work with the architect to select the best site on the east side of Second Street.

HEARING FOR CARY CASON

Michael O'Quinn, attorney representing the county on personnel matters in the past and now, advised that we are here to conduct a personnel hearing on behalf of Cary Cason, who was suspended from his position on January 2, 2002 by County Administrator Pat McKnight, and in the communication that was given to Mr. Cason by Mr. McKnight that termination of his employment was a possibility at that time. He advised that under the Personnel Policies of Crisp County, which was adopted by the Commissioners, under Section 7.08, whenever that happens the employee has a right to ask for a Hearing before the County Administrator to hear the reasons for the proposed action and an opportunity to give his or her side of the story and basically plead their case why they disagree with the proposed action and the reasons for it. Mr. Cason exercised his right under this provision to have such a Hearing with Mr. McKnight; also, pursuant to the Personnel Policy, he has been kept on a suspension with pay status since that time. As you know, Mr. McKnight has been relieved of his duties, we now have a somewhat unusual position as according to the Personnel Policy, Mr. McKnight is suppose to have this meeting with Mr. Cason, but he is not in a position to do that, so he appeared before the Commissioners on January 16 to tell the Commissioners what their options were under the Personnel Policy, and his position is that as the Governing Authority of Crisp County, the Board has the ultimate authority to hire and fire employees that report to you, Mr. Cason's office does report to you, therefore in Mr. McKnight's absence you are the appropriate entity to have this meeting with the employee. Because of that, he has sent a letter to Mr. Cason's council, Tom Hyman, notifying him that we would have this meeting today, what the purpose of the meeting was, and the procedures that would be followed. He gave a copy of the letter to the Clerk to be a part of the minutes. The purpose of the meeting today is for the Board to hear the position of the County that he will illicit through witnesses. He advised Commissioners that they should listen to all witnesses with an open mind and proceed as if they know nothing about the background, and they should make their decision based on what they hear this morning. He informed the Commission that this is not a trial, this is not a courtroom, and there will not be a lot of objections and legal arguing between the two attorneys, this is an administrative hearing, a personnel matter, and Mr. Pfeiffer is here to help them as their legal advisor, he is not going to rule on anything. He asked Mr. Cason and his attorney whether or not there were any issues concerning the proper or adequate notice of timelessness, and they both replied no.

First witness for the County was Martha Hendley, Finance Director, who along with all the witnesses today took an oath, answered questions about an incident in October, 2001, when she received a check request from Adkin's Photography for approximately \$5,900.00 to pay for football pictures, and there was not enough deposits from the Recreation Department to cover the check request. She thought that Mr. Cason had a lack of concern about this when she mentioned it to him, and he was difficult to work with from the beginning, like if she ask him to do something, he would say that wasn't going to work. She said the golf course money they brought in never balanced, and also they could never tell if they made money on concessions as the money was used for other things, they put the money in bank bags, and it was not received daily in her office as they requested. Mr. Hyman mentioned that the Recreation Department had

turned over \$110,000.00 to the county when they came under the County umbrella, also that there should have been a period of adjustment. He asked if there were some written procedures given to the Recreation Department for them to go by or someone sit down and go over the procedures with them, and Mrs. Hendley replied no and stated that whenever a supervisor is given something to do, they should know how to run their department.

Second witness for the County was Herbert Hughes, Chairman of the Recreation Department Advisory Board, who stated that his Board had asked Mr. Cason for an update on what needed to be done at the parks, and he seemed not to have the time to get their request done. Mr. O'Quinn asked if his board members signed a letter he had in his hand to the County Commission agreeing to make changes in the Recreation Department, including termination of Mr. Cason for 1) failure to comply with policies and procedures as set for the by County Administrator, 2) disregard for policies as to the handling of money, 3) admitted misuse and misappropriation of monies taken in, 4) failure to adequately maintain control over employees, and 5) willful disregard of employee violations of policies and procedures as set for by the County Administrator, and he stated yes. Mr. O'Quinn entered this letter into the minutes. Mr. Hyman ask how he got his information in the letter, and Mr. Hughes stated that it was provided by Mr. McKnight, and that he did not question Mr. Cason's honesty.

Third witness for the County was Pat McKnight, former Administrator of the County. Mr. O'Quinn had a letter dated 1-11-01 to Mr. Cason from Mr. McKnight, and asked him to explain the letter, and Mr. McKnight said it was a reprimand letter he gave Mr. Cason to express in writing what he had discussed earlier with him. He stated that he had tried to exercise patience, had been extremely patient with his verbal directions, and he was getting no response, but after the letter it did improve especially with the daily reports to him, so he could keep up with what the department was doing on a daily basis. Regarding the picture money, Mr. McKnight stated that the procedure followed was not substantial enough and showed lack of management, and when they realized that there was money missing is when they contacted the Sheriff's Department. He stated that he advised the County Commissioners, and he thought he was proceeding according to their directions, and he felt that the Recreation Department has outgrown Mr. Cason as he thought he was having difficulty in managing his department. Mr. O'Quinn entered the letters dated 1-11-01 and 1-2-02, the suspension letter into the minutes.

First witness for Mr. Cason was Bob Evans, former Recreation Board member and Chairman. Mr. Hyman asked about Mr. Cason's ability to manage his department, and Mr. Evans stated that in his opinion, there was no doubt that Mr. Cason could manage the Recreation Department as he had to do it all because of the lack of funds and employees, and as for the concessions, that was their livelihood as this was one way, along with the picture money to make money. He advised that Mr. Cason handled his budget very well as he was nearly always under budget, and a strong point is his phenomenal ability to know each kid by their name and treat them all the same, and he would like to see Mr. Cason reinstated.

Second witness was Lee Cook, auditor for the Recreation Department from 1985-1995, and said that he never saw an instance to lead him to believe that any funds were missing, and he thought that Mr. Cason did an excellent job of managing funds especially with the limited funds and staff that he had. Mr. O'Quinn asked if the concessions were audited, and he replied no because to him that was an immaterial amount of less than \$1,500.00, and stated that the way they were handling the money is how they have done it for the past twenty years. He also stated that he thinks Mr. Cason is capable of managing this department based on the way he handled his programs, and he would like to see him reinstated.

Third witness was Frank McKinney, volunteer for sixteen years, and advised that if anyone was out at Williams Field on picture day, they would see what went on with three or four staff members and some four hundred kids and parents all on the field at the same time. He stated that he is proud to be associated with the Recreation Department, especially when they represent the county in All-Star games. He stated that most of the volunteers have been volunteering for as long as he has, and he would like to see him reinstated.

Fourth witness was Willie Pickens, volunteer for forty years, and stated that he would put his life on Mr. Cason as a honest man, and he would definitely trust him with his money, said that the worst mistake the Commissioners could do was let Mr. Cason go, and he would recommend reinstating him.

Fifth witness was Mr. Cason, who said he started working part-time with the Recreation Department in 1968, became full-time in 1976, and became the Director in 1980. Mr. Hyman asked if we was given any written instructions to go by when the Finance Department asked him to do something, and he replied no and advised that when they moved into the building, Mr. McKnight and Mrs. Hendley gave him verbal instructions but nothing written, and after he was reprimanded, he began to fill out the daily request forms as he was instructed. He stated that he was questioned about his money procedures, and because of the time of the day when they finished, they would take the money to the night deposit or they may leave it in the truck of a vehicle until the next morning, and he thought that everything ran functionally smooth for the last twenty-one years. He did add that at times they have not turned in the money to Finance every day. Mr. O'Quinn questioned the procedures of the picture days, and Mr. Cason informed him that there were several packages that parents could purchase, and that his secretary was in charge of the money that day and turned it in to the Finance Department, so he didn't know there was any money missing until Mrs. Hendley called and told him. He advised that he thought that he was providing a service to the County by providing the pictures and making money when they handled it all themselves, and he would love to get back to work running the County Recreation Department. There were no further comments, and Chairman Dowdy closed the hearing.

Motion by Mr. Nance, seconded by Mr. Mathis and motion carried unanimously, agreeing to reinstate Mr. Cason to his previous position.

GO INTO EXECUTIVE SESSION TO DISCUSS REAL ESTATE

Motion by Mr. Nance, seconded by Mr. Harris and motion carried unanimously, agreeing to go into Executive Session to discuss Real Estate.

Motion by Mr. Harris, seconded by Mrs. Pheil and motion carried, agreeing to come out of Executive Session.

GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL

Motion by Mr. Nance, seconded by Mr. Mr. Harris and motion carried unanimously, agreeing to go into Executive Session to discuss Personnel.

Motion by Mrs. Pheil, seconded by Mr. Harris and motion carried, agreeing to come out of Executive

Session.

MR. MCKNIGHT AS CHIEF BUILDING OFFICIAL OPPOSED

Motion by Mr. Mathis, seconded by Mrs. Pheil with three opposing, wanting to see Mr. McKnight report back to work as the Chief Building Official.

PAY VARNADOE CONSTRUCTION COMPANY THE BALANCE OF CONTRACT

Motion by Mr. Harris, seconded by Mr. Mathis and motion carried, agreeing to pay Varnadoe Construction Company around \$16,000, the balance of their contract with the Recreation Department.

ADJOURNMENT

Motion by Mr. Harris, seconded by Mr. Nance and motion carried, agreeing to adjourn meeting.

J. R. Dowdy, Jr., Chairman

Linda C. Finch, Assistant Clerk