



Hart County Board of Commissioners  
Tuesday August 11, 2020  
6:00 p.m.

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)
  - 07/28/2020 Reg Meeting
  - 07/28/2020 Budget Meeting
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT
10. CHAIRMAN'S REPORT
  - July Financial Report
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
  - a) Amendment to Article\_VII\_Uilities\_Facility\_ Installation (1<sup>st</sup> Reading)
  - b) Purchase of Mower for Recreation Department (State contract)
  - c) Executive Session Breach of Confidentiality
13. NEW BUSINESS
  - a) City of Hartwell Request
14. PUBLIC COMMENT
15. EXECUTIVE SESSION – Real Estate
16. ADJOURNMENT

Hart County Board of Commissioners  
August 11, 2020  
6:00 p.m.

Hart County Board of Commissioners met August 11, 2020 at 6:00 p.m. at the Hart County Administrative & Emergency Services Center.

Chairman Joey Dorsey presided with Commissioners Frankie Teasley, Marshall Sayer and Ricky Carter in attendance. Commissioner R C Oglesby was absent.

1. Prayer

Prayer was offered by Chairman Dorsey.

2. Pledge of Allegiance

Everyone stood in observance of the Pledge of Allegiance.

3. Call To Order

Chairman Dorsey called the meeting to order.

4. Welcome

Chairman Dorsey welcomed those in attendance.

5. Approve Agenda

Commissioner Sayer moved to amend and approve the meeting agenda to remove item 13 a) Amendment to Chapter 14 – Animals; replace with City of Hartwell's Request. Commissioner Teasley provided a second to the motion. The motion carried 4-0.

6. Approve Minutes of Previous Meeting(s)

- 07/28/2020 Reg Meeting
- 07/28/2020 Budget Meeting

Commissioner Teasley moved to amend and approve the minutes of July 28, 2020 regular meeting. Commissioner Sayer provided a second to the motion carried 4-0.

Commissioner Teasley moved to approve the minutes of July 28, 2020 budget meeting. Commissioner Carter provided a second to the motion. The motion carried 4-0.

7. Remarks By Invited Guests, Committees, Authorities

None

8. Reports By Constitutional Officers & Department Heads

None

9. County Administrator's Report

None

10. Chairman's Report

## July Financial Report

Chairman Dorsey presented the July General Fund Financial Report.

### 11. Commissioners' Reports

Commissioner Teasley thanked First Responders, EMS and Sheriff Department for what they do on behalf of the county.

Commissioner Sayer commended the Chamber of Commerce for facilitating the Lady Anglers Bass Tournament Event over the weekend.

Commissioner Carter echoed Commissioner Teasley for recognizing First Responders, EMS and Sheriff's Department; he commended support staff, Maintenance Shop and all other county employees involved in the day to day operations.

### 12. Old Business

#### a) Amendment to Article\_VII\_Uilities\_Facility\_Installation (1<sup>st</sup> Reading)

Commissioner Teasley moved to accept the first reading of Amendment to Article VII. Commissioner Sayer provided a second to the motion. The motion carried 4-0.

#### b) Purchase of Mower for Recreation Department (State contract)

Commissioner Sayer moved to proceed with the purchase of a John Deere mower from SPLOST funding. Commissioner Teasley provided a second to the motion. The motion carried 4-0.

#### c) Executive Session Breach of Confidentially

Chairman Dorsey reported Open Records and Open Meetings Law allows Boards and Authorities to go into Executive Session to discuss confidential information; personnel, litigation, tax matters and real estate. However, all actions are taken during open meetings.

He reported information discussed during July 14, 2020 Executive Session was brought to his attention, word for word what was discussed. This is a breach of confidentially, violation of oath of office; Commissioner Carter disclosed the information which is a bond of trust broken.

Commissioner Teasley agreed with Chairman Dorsey, information discussed during Executive Session is not a matter of public knowledge until action is taken by vote of the BOC.

Commissioner Sayer responded the BOC has met with IBA, Law Enforcement and the District Attorney during Executive Session and wants everyone to know what is discussed will be kept confidential; there is a time frame when issues are made public.

Commissioner Carter responded according to the letter from the Corp of Engineers the issue was not top secret; his loyalty is to the citizens of the county; the impact on the county, economic, jobs and tourism; broke no law and not lied to anyone.

Chairman Dorsey asked Commissioner Carter if he distributed flyers at camp ground, contacted Corp of Engineers employees letting them know about the contents of the Corp's letter and encouraged people to make calls concerning the camp ground(s).

Commissioner Carter acknowledged that he did and was completely transparent with the people in the county; as per Georgia law states Executive Session shall be permitted does not say

required for real estate; what was disclosed was for the interest of the impact on the county. He disagrees the information is confidential.

Chairman Dorsey stated other counties require each member of their board to sign an agreement to uphold confidentially discussed during Executive Session; going forward if a commissioner breaks the agreement they are excluded from attending Executive Session.

County Attorney Walter Gordon responded the law does not provide clear direction, law assumes people will follow it. However, some counties require an ethical pledge to annually disclose conflicts. Penalty for breach of confidentially can be a fine or exclusion from Executive Session. He suggested written oath of office agreements would be an option. The subject discussed during the July 14 Executive Session was rendered confidential. However, he doesn't think Commissioner Carter disclosed that in a malicious manner. Adding Executive Session matters are not publicly disclosed until ready to vote on.

Chairman Dorsey moved for Attorney Gordon draft a promise agreement for each member and County Administrator sign to uphold confidentiality from this point forward. Commissioner Sayer provided a second to the motion.

School Superintendent Jay Floyd encouraged the BOC to consider signing off on a code of ethics that will cover more than Executive Session.

Bowersville resident David Cagle brought up an issue from 2019. Chairman Dorsey called him out of order and stated public comment pertains to the item being discussed once a vote is taken.

The motion carried 4-0.

### 13. New Business

#### a) City of Hartwell Request for a meeting

Chairman Dorsey reported the City of Hartwell is requesting a meeting to discuss annexation of Hart State Park.

Commissioner Sayer moved to not meet with the City of Hartwell officials to discuss annexation of Hart State Park. Commissioner Teasley provided a second to the motion. The motion carried 3-1 (Commissioner Carter opposed).

### 14. Public Comment

County resident Chuck Turner stated the people of Hart County place trust and vote for members of the Board of Commissioners and he did not hear one reason why the matter discussed in Executive Session was disclosed.

Chairman Dorsey moved to authorize Attorney Gordon to contact the Attorney General's office to investigate the breach of confidentially. Commissioner Sayer provided a second to the motion.

Commissioner Sayer stated people need to be confident in what the BOC is doing; share the same concerns of economic impact. However, rules need to be followed and a break in trust bothers him.

The motion carried 3-0 (Commissioner Carter abstained).

County resident Michael Blakely voiced his concern about an issue with a neighbor and a commercial trucking business in a residential area; disturbing the peace, trucks in and out during the night, potential road issues and runoff from trucks parked near a stream.

Chairman Dorsey stated there is no zoning in the county however, the issue will be looked into.

David Cagle asked to speak. Chairman Dorsey responded public comments are limited to five minutes.

Mr. Cagle commented on what he perceived as a conflict of interest involving Hart State Park and Commissioner Teasley' s property. Inquired about when the county is going to pay \$5,700 back to Bowersville for the speed bumps that were installed then removed.

Chairman Dorsey replied Bowersville Council did not vote to use SPLOST funds until after the fact.

Mr. Cagle submitted an open records request and contended the BOC interfered with government property.

Chairman Dorsey called Mr. Cagle out of order.

15. Executive Session

None

16. Adjournment

Commissioner Sayer moved to adjourn the meeting. Commissioner Carter provided a second to the motion. The motion carried 4-0.

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Joey Dorsey, Chairman

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Lawana Kahn, County Clerk