

9. Water Easement from Bulah P. Dinsmore in connection with Birmingham Highway Water Main.

**Commissioner Hightower** made the motion to **approve**, which was seconded by Commissioner Joyner. The vote was 6-0-0. Commissioner King did not vote.

[CLERK'S NOTE: DOCUMENTATION PERTAINING TO THE LAND REPORT APPROVED BY THE BOARD OF COMMISSIONERS IN THEIR REGULAR MEETING HELD MAY 1, 1991 IS IN THE SUPPLEMENT PORTION OF MINUTE BOOK V-12 PAGES 178 - 210.

**91-RC-166**      **LEGAL - REQUEST FOR APPROVAL OF RESOLUTION TO RE-CREATE THE FULTON COUNTY BOARD OF HEALTH (APPROVED)**

Acting County Manager, Bob Regus presented the following memorandum dated March 22, 1991, from Elizabeth E. Long, County Attorney.

**TO:**                    Bob Regus, Acting County Manager  
**FROM:**                Elizabeth E. Long, County Attorney  
**SUBJECT:**            Health Department

Dr. William Elsea, has asked that I send to you for placement on the agenda of the Board of Commissioners, a Resolution for adoption by the Board which would re-create the Fulton County Board of Health pursuant to O.C.G.A. 31-3-2.1.

Both Chairman Baker and Dr. Elsea believe that the Resolution is now ready for adoption.

Thank you.

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**RESOLUTION**

**WHEREAS**, recent amendments to the laws of the State of Georgia require certain changes to the membership and duties of the Fulton County Board of Health;

**WHEREAS**, Fulton County desires to comply with O.C.G.A. § 31-2.1 regarding the County Board of Health;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby created and established a Board of Health in this County, which shall consist of seven members who are selected as follows:

**Membership:**

- (1) The County Superintendent of Schools shall serve, or designate a person to serve;
- (2) The Chairman of the Board of Commissioners shall serve, or designate a person to serve;
- (3) The Superintendent of Schools of the largest, by population, independent school system located wholly or partially within the County shall serve, or designate a person to serve;
- (4) The Mayor of the largest municipality, by population, located wholly or partially within the County, shall serve, or designate a person to serve;
- (5) The Board of Commissioners shall appoint a person to serve who is not a member of the Board of Commissioners;
- (6) The governing authority of the largest, by population, municipality located wholly or partially within the County, shall appoint a person to serve who is not a member of that governing authority; and,
- (7) The grand jury of the County shall appoint a reputable physician to serve, preferably having a background in public health.

The member appointed by the Board of Commissioners shall be the Chairman of the Board of Health.

**Terms of Office:**

The County Superintendent of Schools, the Chairman of the Board of Commissioners, the Superintendent of the largest independent school system and the Mayor of the largest city shall each serve a term as member of the Board of Health concurrent with the term of office of that official, and any person designated by such official shall serve a term concurrent with the term of the office of the appointing official. The appointing official may remove a designated person so appointed at any time and within the sole discretion of the appointing official. The remaining three members of the Board shall serve four year terms. The initial term of office of those three members, however, shall be the following: the term of the member appointed by the Board of Commissioners shall expire on December 31, 1996; the term of the member appointed by the largest municipality shall expire on June 30, 1995; and the term of the physician appointed by the County grand jury shall expire on December 31, 1991. Each member appointed after the expiration of such initial terms shall serve for a full term of four years.

**Vacancies:**

Any vacancy on the Board of Health, occurring other than at the expiration of the term, shall be filled for the

unexpired portion thereof by the designated appointing body that made the original appointment.

Members of the Board of Health whose terms have expired shall remain in office and continue to serve either until reappointed or until their successors have been appointed.

**Duties:**

(1) The County Board of Health shall have supervision over all matters relating to health and sanitation within the County, with authority to declare and enforce quarantine therein subject to the provisions of law;

(2) All of the power, authority, duties, and responsibilities of the County Board of Health shall be exercised and discharged throughout the entire area of the County both inside and outside of the corporate limits of municipalities located in whole or in part therein;

(3) The County Attorney or law department shall furnish whatever professional legal assistance may be needed by the County Board of Health or other authority for the enforcement of these powers of the Board of Health by any of the means authorized by law;

(4) The governing authority of the County shall be authorized to adopt a system of rules, regulations, and orders covering health and sanitation with the County, and such system of rules, regulations, and orders may be based on recommendations by the County Board of Health. Such rules, regulations, and orders when adopted shall be recorded on the

minutes of the governing authority of the County, and a certified copy thereof shall be furnished to the Department of Public Health of the County;

(5) The certificate of attestation of the Chairman or any other member of the County Board of Health shall give sufficient validity or authenticity to any copy or transcript of any record, document, paper or file or other matter or thing in the office of the Chairman or other member of pertaining thereto to admit the same in evidence; and

(6) The Board of Health shall not have authority to provide the rules, regulations, or orders to carry out its powers and duties but shall use rules, regulations, and orders adopted by the governing authority of the County and spread upon its minutes. The violation of any such rule, regulation, or order is declared to be nuisance, per se, and shall be subject to be abated as a nuisance, or enjoined as such. The violation of any such rules, regulations or order is declared to be a misdemeanor, and any person, firm or corporation, upon conviction thereof in any court or competent jurisdiction, shall be punished as for a misdemeanor.

**Commissioner Boxill** - "I have a question about why we're choosing to do it in this way? But, I'd be glad to take some time to do that with Dr. Elsea separately."

**Chairman Lomax** - "No, I think we should do it right now."

**Commissioner Boxill** - "Why are we choosing to recreate, because we have to comply with something that the State has done? But, in determining the rotation and the time period

in which the rotation of members would begin, how did we come up with '92 for some and 91' for others?"

**Dr. Elsea** - "We felt that we didn't want to have them all leave at one time. So, we need to have an overlapping. And there was a natural period. It seems that some, for example, we have a new one that's due to come on. He needs to be there a certain period of time. And when you kind of back off of that, the Chairman was due to be reappointed this year sometime. It just seemed to be natural periods that we could put in so it would be maybe a year in between."

**Commissioner Boxill** - "Okay, let me ask another question. And on the documentation that I have is from you to Elizabeth Long. And the very last sentence says, I'm sorry the second page, it says 'Enclosed is a pertinent page of the Board of Health minutes concerning the question of the chairmanship, along with an oath of office and the reappointment notice of Chairman, Jim Baker.' That was not in my package. Does someone have that? My office tried for two months to get a copy of those minutes from your office."

**Mr. Elsea** - "Yes, I believe I do have that here."

**Commissioner Boxill** - "May I see it?"

**Mr. Elsea** - "You have an option for the chairperson at the end of this year. But the others is an ex-official appointed by someone else."

**Chairman Lomax** - "But, we have to have them appointed the same way."

**Mr. Elsea** - "Yes, sir. The main option is that you do not have to appoint the chairperson. That could be your option to allow the Board to do that if you chose."

**Commissioner Boxill** - "I'm wanting the record of the reappointment of Mr. Baker. That's what seems to be missing."

**Mr. Elsea** - "That's not in those documents. We did find that. I'm sorry if you haven't received it."

**Commissioner Boxill** - "I got it, but do you remember the struggle we had?"

**Mr. Elsea** - "Yes, we had a terrible fight."

**Commissioner Boxill** - "Okay, so we're not keeping up with what we need to keep up with. Did we agree on that? Other than that, I don't see any significant change. I think the Board

of Commissioners would wish to continue to appoint for its appointee to serve as the chair. So, I would certainly move the approval. But I would ask that the Health Department Staff keep better records."

**Commissioner Hightower** - "I second the motion. Mr. Chairman and members of the Commission, at some point I do want to raise the question about this statute in terms of maybe not this year, Commissioner Boxill, but I do want to at least have an exploratory discussion about take returning at least an exploratory discussion I'm not saying we should do it, but if looking at returning back to the full control of the Health Department. I think we need to explore that option to discuss it."

**Commissioner Boxill** - "Not today."

**Commissioner Hightower** - "Not today, but we're talking about a twenty million dollar impact. I love you, Bill, but we're talking about twenty million dollars."

**Commissioner Boxill** made the motion to **approve**, which was seconded by Commissioner Hightower. The vote was 7-0-0.

**91-RC-167      MARSHAL - REQUEST FOR APPROVAL TO AWARD CONTRACT TO LOW BIDDER BANNER UNIFORM COMPANY FOR DEPUTY MARSHALL UNIFORMS AT A COST OF \$20,000.00 (APPROVED)**

Acting County Manager, Bob Regus presented the following memorandum dated April 1:

**TO:**                    Bob Regus, Acting County Manager

**FROM:**                Warren Shaw, Marshall

**SUBJECT:**            Uniforms for Deputy Marshals

Please accept this memo as a request for you to place the bid of Banner Uniform Company before the Commissioners. The budget amount of this service contract is \$20,000. Banner submitted their bid through the purchasing department under competitive bid procedures. One other company submitted a bid while six other Uniform Vendors tendered a "no bid".

After reviewing the submitted bids from Banner and T & T, the Marshall's Department selected Banner Uniform based on low bid for basic uniform items. (See attached documentation).