

Commissioner Boxill - "At some point Mr. Manager, would you share with me a calendar of renewal dates on these leases which ones are next?"

Robert Regus, County Manager - "Yes, Commissioner."

Commissioner Joyner made the motion to approve. Commissioner Lowe seconded the motion and the motion carried by a vote of 7-0-0.

Vice Chair Boxill requested the County Manager to provide the Board with a calendar of renewal dates on lease agreements.

Hearing no further discussion, it was so ordered.

CLERK'S NOTE: DOCUMENT(S) ARE ON FILE IN THE CLERK'S OFFICE.

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97-0139 COUNTY MANAGER/NEW BUSINESS - LIBRARY - DISCUSSION REGARDING PER DIEM INCREASE FOR LIBRARY BOARD TRUSTEES FROM \$50 TO \$150. (CROSS-REFERENCE: 96-1285 WITHDRAWN 12/04/96) (DENIED \$150/APPROVED \$50.00 PER REGULAR MEETINGS)

INTER-OFFICE MEMORANDUM

County Manager Action Form



To: Robert J. Regus,
County Manager

From: *Julie V. Hunter*
Julie V. Hunter,
Acting Director of Libraries

Date: November 21, 1996

REQUESTED ACTION BY MANAGER:

Present to the Board of Commissioners at their December 4, 1996 meeting a Resolution for the reinstatement of the per diem allowance for Library Board Trustees as of April 1, 1996 at a rate of \$150.00 per Library Board meeting attended.

CRITICAL DATE FOR ACTION:

December 4, 1996. Approval by this date will allow enough time to process payments to Library Board Members for 1996 from funds budgeted for this purpose. Funds have not been requested in the 1997 Budget to pay for 1996 per diem allowances in 1997.

PURPOSE:

A 1995 change in the enabling legislation inadvertently omitted the section allowing per diem payments to Library Trustees as were established in 1990. The legislation was corrected effective April 1, 1996, permitting once again for the County to pay per diem allowances.

DISCUSSION:

Previous allowances were in an amount of \$50.00 per Library Board or Committee meeting attended, not to exceed two meetings per month. The annual budget requirement at this rate is \$20,400. The new legislation has been interpreted by the County Attorney's Office to provide for per diem payments for attendance at Library Board meetings only. This interpretation excludes payment for attendance at Library Board Committee meetings.

IMPACT:

Funds were budgeted for this purpose in the 1996 Budget and are currently available to meet the 1996 expense. Annual cost to implement this Resolution is estimated to be \$40,800 and includes twelve regular Library Board meetings and up to four special meetings. Funds have been requested in the Library's 1997 Budget Request.

COORDINATION: Per diem payments will be coordinated through the Fulton County Finance Department.



ATTACHMENTS:

Original and 12 Copies of County Manager Action Form
Original and 12 Copies of proposed Resolution

Julie V. Hunter, Acting Director of Libraries

0139-01A.97

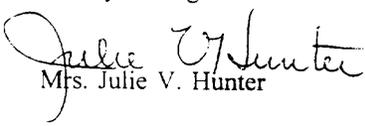
Atlanta-Fulton Public Library System



MEMORANDUM

November 15, 1996

To: Mr. Robert J. Regus.
County Manager

From: 
Mrs. Julie V. Hunter
Acting Director of Libraries

Re: Reinstatement of Per Diem Allowances
To Library Board Trustees

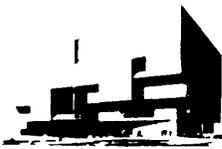
For the period between April, 1990 and March 31, 1995, the Trustees of the Library Board were paid a per diem allowance of \$50.00 per Library Board or Committee meeting attended, not to exceed two meetings per month.

Legislative amendments passed in 1995 inadvertently omitted the provision for per diem allowances to members of the Atlanta-Fulton Public Library Board of Trustees.

Effective April 1, 1996, the legislation was amended to reinstate the per diem allowances. However, the legislative change was not retroactive to the 1995 date when the per diem payments were no longer allowed. Members of the Library Board have served for a year without benefit of the per diem allowance to cover the expenses personally incurred in serving on the Library Board.

The new legislation has been interpreted by the County Attorney's Office to provide for per diem payments for attendance at Library Board meetings only. This interpretation excludes attendance at Library Board Committee meetings.

On October 23, 1996, the Library Board of Trustees voted to request the County Commission to reinstate the per diem allowances to the Library Board of Trustees and to increase the per diem to \$150.00 for each Library Board meeting attended. There are presently funds in the Library's Fee account to pay the per diem allowances from April 1, 1996, the date the enabling legislation creating the Library Board of Trustees was amended to allow the appointing authority to pay members of the Library Board of Trustees a per diem. The Library's 1997 Budget request includes the amount necessary to pay the per diem allowance at the new rate.



Julie V. Hunter, Acting Director of Libraries

0139-02A.97

RECESS MEETING, JANUARY 22, 1997

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Robert Regus, County Manager - "Commissioners, I believe there was a way of compensating Board of Trustees members for meetings that they attended up until some legislation a couple of years ago may have done away with that amount and it was \$50. The legislature then changed the law last year which allowed this to take place again."

Chairman Skandalakis - "Is this in our discretion to do this or are we required to do this?"

Susan Forsling, County Attorney - "It's discretionary."

Commissioner Darnell - "Could we ask the County Attorney to give us an outline on this matter? Mr. Regus has given the Broad outlines but the Board needs to be aware of certain legal issues that are pertaining to this matter."

Ms. Forsling - "From 1990 to 1995 the legislature authorized the Board of Commissioners to approve per diem allowances for members of the Library Board of Trustees in accordance with that state law. A \$50 per Library Board or Committee meeting was indeed enacted by the Board of Commissioners. That legislation was subsequently repealed and has now been reinstated so as we sit today the General Assembly has authorized the Board of Commissioners to approve per diem amounts for Library Board of Trustees. It has been recommended by the Library Board of Trustees in a resolution that that amount be \$150. The County Attorney's Office has looked at that. It is in our opinion that first of all, any per diem, whatever, you decide...if you decide to do a per diem it is only applicable to Library Board meetings not Committee meetings or gatherings or staff meetings to discuss issues but must be actually dually called Library Board meetings of the entire board. Secondly, that any approval of this has to be on a prospective basis and that there cannot be a retroactive granting of a per diem that is retroactive back to when the legislation was reinstated in April '96. Did that answer your question, Commissioner?"

Commissioner Darnell - "Yes. Madam Chair, I just wanted to say that the Board of course, will make the final decision on this. I did not support this recommendation as a member of the Board of Trustees, however, for the reason that with our funds being so tight and with library branches being in such critical needs it was not a good example for us to set and to more than double the per diem at this particular time. Also, I do have some questions about whether this is per diem. Once you reach \$150 per month I wonder if that's a salary? I had some real questions with that however, the majority of the Board voted for it and that is why it is before you here today. But as your representative you should know that I strenuously objected to the \$150 and in the event this does not

pass I do have a recommendation which I think may be more reasonable."

Commissioner Joyner - "To the County Attorney, what is before us right now is communicating to this Board of Commissioners the recommendation or the request of the Library Board of Trustees, that we set their per diem at \$150 per meeting. Is that right?"

Ms. Forsling - "That's correct."

Commissioner Joyner - "The Fulton County Elections Board receives a per diem and it is at the most \$50 per meeting. It may be less than that. Does anybody here have any information on that?"

Frank Davis, Division Chief, Registration and Elections - "It's \$50.00."

Commissioner Joyner - "It has been that for years. Is that right?"

Mr. Davis - "Yes."

Commissioner Joyner - "I mean over 10 years, maybe 20 years, it's been \$50 per meeting. I'm not aware of any Fulton County appointed board that has started to pay a salary for sitting on an appointed board. I don't know whether the Fulton/DeKalb Hospital Authority members receive a per diem. Do they receive any fee for sitting on that?"

Commissioner Lowe - "Not on the Hospital Authority. There never has been one since it was first put in accordance to the DeKalb Hospital Authority. It has always been considered about the highest honor that this government could bestow on somebody to appoint them to that authority. The one thing they do get always is a parking place across the street for when they go to meetings."

Commissioner Joyner - "What was the period when there was no legislation in place, Madam County Attorney?"

Ms. Forsling - "April 1, 1995 through April 1, 1996."

Commissioner Joyner - "Prior to that time was it \$50 per meeting?"

Ms. Forsling - "Yes. The information I have was \$50 per Library Board or Committee Meetings from the period of April 1990 through March 31, 1995."

Commissioner Joyner - "I'm prepared to make or support a motion to establish it at \$50 a meeting. I'll yield to the Board on whether they want to add \$50 per committee meeting."

Commissioner Darnell - "The County Attorney has advised that we can't. Mr. Chairman, I'd like to make a motion. I move to deny."

Chairman Skandalakis - "Second."

Commissioner Joyner - "But we have to set something, don't we?"

Commissioner Darnell - "Yes. I have another motion."

Commissioner Fulton - "It would be helpful to understand the proposal."

Commissioner Darnell - "Yes, \$50.00"

Commissioner Boxill - "Do we have a motion on the floor and a second to deny this item?"

Commissioner Darnell - "Yes, Madam Chairman. I move that the per diem for the Library Board of Trustees be set at \$50.00"

Commissioner Joyner - "Second."

Commissioner Darnell - "For board meetings only."

Chairman Skandalakis - "Sound the next item."

A. Commissioner Darnell made the motion to deny \$150 per diem increase. Chairman Skandalakis seconded the motion and the motion carried by a vote of 6-0-0. Commissioner Hightower did not vote.

B. Commissioner Darnell made the motion to approve \$50.00 per diem on proactive basis. [for Regular meetings only]. Commissioner Joyner seconded the motion and the motion carried by a vote of 6-0-0. Commissioner Hightower did not vote.

Hearing no further discussion, it was so ordered.

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97-0140 COUNTY MANAGER/PERSONNEL - REQUEST APPROVAL OF STRATEGY TO FILL AND/OR FREEZE VACANT POSITIONS IN 1997. (APPROVED WITH THE EXCEPTION OF CLERK OF SUPERIOR COURT)