



**PAULDING COUNTY BOARD OF COMMISSIONERS
CALLED MEETING MINUTES
MARCH 30, 2020 AT 10:00 AM**

Watson Government Complex
Second Floor – Board of Commissioners Meeting Room

CALL TO ORDER: David L. Carmichael, Chairman

INVOCATION & PLEDGE: Jayson Phillips, County Attorney

PRESENT: David L. Carmichael, Chairman; Ron Davis, Post I (via teleconference); Sandy Kaecher, Post II (via teleconference); Chuck Hart, Post III (via teleconference); Brian Stover, Post IV; Jayson Phillips, County Attorney; Frank Baker, County Administrator; Rebecca Merideth, County Clerk

Jayson Phillips, County Attorney stated the Open Meetings Act states when an emergency exists Commissioners could meet and conduct business through teleconferencing as long as the public has simultaneous access to the meeting. The citizens have access through our social media outlets.

NEW BUSINESS:

1. Brian Stover made a motion to adopt Resolution 20-12 a Resolution due to the unique circumstances surrounding the COVID-19 National Emergency and Georgia Public Health Emergency that constitute due cause for failure to timely pay taxes. Jayson Phillips, County Attorney stated due a State of Emergency the General Assembly by state law authorizes a County Government to delegate to the County Tax Commissioner authority to waive, in whole or in part, the collections of penalties and interest associated because of a taxpayer’s failure to comply with laws relating to ad valorem taxation. Seconded by Sandy Kaecher; motion carried unanimously. (See Attachment “A”)

EXECUTIVE SESSION: Brian Stover made a motion to enter into Executive Session for the purposes of Pending and Potential Litigation, seconded by Chuck Hart; motion carried unanimously.

NEW BUSINESS (Continued):

2. Brian Stover made a motion to add to the agenda the approval of the Settlement Agreement regarding the siltation of Brown’s Lake, Paulding County Superior Court Case Number 19-CV-002872-P3, and related claims. Seconded by Sandy Kaecher; motion carried unanimously.

Jayson Phillips, County Attorney went over the substantial terms in this Settlement Agreement. This deals with a siltation and sedimentation lawsuit brought by members of the Rhoden Family and four LLC’s that own property around Browns Lake; a 17-acre lake that is located downstream from the Reservoir Project. This is a proposed settlement dismissing the suit and all related claims including any potential federal claims. The substantial terms of this Agreement are that the County will dredge the lake using dredging contractor Riversand Inc., and that dredging will be done in accordance with an approved work plan. The County will restore the site to the extent it is impacted by the dredging operations. The County will restock the lake as a part of the settlement. The County has agreed to pay \$325,000 to the Plaintiffs that is intended to cover their attorney fees, engineering, and related costs they have incurred. This mater has been pending since early 2018. The County estimates dredging and related costs to be just over one million dollars. Per the negotiated settlement, the County will be placing three million in an escrow account, although the County does not anticipate costs more than the previously mentioned estimate. These funds will come from a reserved amount previously allocated for reservoir overruns. Due to the nature of the timing, this is being placed on the agenda because prior to the COVID-19 Emergency these discussions were on going and

approaching resolution. The Rohden's very understandably desire to get this matter resolved. We believe we were close to having it resolved once the emergency hit.

3. Brian Stover made a motion to adopt Resolution 20-13 confirming Executive Session for the purpose of Pending and Potential Litigation, seconded by Sandy Kaecher; motion carried unanimously. (See Attachment "B")

ADJOURNMENT: Brian Stover made a motion to adjourn, seconded by Chairman Carmichael; motion carried unanimously.

Rebecca Merideth, County Clerk

David L. Carmichael, Chairman