

The Liberty County Grand Jury
2009 Spring Term
Final Presentment
September 1, 2009

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The 2009 Spring Term of the Liberty County Grand Jury convened on February 9th, 2009 after being selected, impaneled, sworn in and instructed of our duties by Judge Paul Rose. The jury was initially composed of 23 members as shown at Enclosure 1. The Atlantic Judicial Circuit District Attorney's Office presented 86 criminal cases for Grand Jury consideration on February 9th, 10th and 11th, 2009. True Bills were returned on all. The jury heard an additional 81 cases on May 13th and 14th, 2009 returning True Bill's on all but one case. The professionalism of the law enforcement officers who prosecuted the cases and the District Attorney's staff that presented the cases was exceptional and noteworthy.

The Grand Jury reviewed and accepted the "just and true statements of the amount of money belonging to the county which was received by the Clerk of Courts (and includes fines, forfeitures and other sums received by the Liberty County Sheriff)" and ".....the Probate Judge" as required by O.C.G.A. §36-1-7. (Enclosures 2 and 3, respectively)

Similarly, the Grand Jury reviewed and accepted the "just and true statements of the amount of money belonging to the county which was received by the Tax Commissioner and the source from which money was received along with expenditures, accompanied by proper vouchers" as required by O.C.G.A. §36-1-7. (Enclosure 4)

Following the initial criminal presentments by the District Attorney's Office the 2009 Spring Term of the Grand Jury reconvened on February 11th, 2009 to consider other inspections and examinations of County functions as required by statute or as deemed necessary by at least eight members of the grand jury. The following inspections/examinations were required by statute for grand jury action during the spring term:

- a. O.C.G.A. §48-5-161(b). Inspect the execution docket and cash book of the tax commissioner's office (during the spring term of each year).
- b. O.C.G.A. §15-12-78. Inspection of the county jail (including sanitary condition, proper heating, ventilation and treatment of inmates) making recommendation to the county governing authority.... strictly enforced.

The following inspections/examinations were required selected by the grand jury for review/action during the spring term. In accordance with O.C.G.A. 15-12-71 (b)(2) the following offices were requested to make reports to the grand jury as detailed in each specific letter of notice (Tabs A-G, not reproduced as part of this presentment but available in the Clerk of Courts Office with the full Grand Jury Report.)

1. *Liberty County Board of Education*

- a. Spending and contracting procedures and current project cost overruns.
- b. Ombudsman Program
- c. History, proposed funding (construction and long range) and operational considerations of the new middle school planned for Fort Stewart.
- d. Development process for your annual millage request, and;
- e. Breakdown of current annual millage on a per student basis, if available.
- f. Follow-up regarding the Liberty County Grand Jury 2008 Fall Term presentments (enclosed) regarding the Board of Education, specifically:
 - i. investigation of construction project spending procedures;
 - ii. establishment of an Oversight Committee to monitor Board of Education spending; and
 - iii. presentment to the current Grand Jury by Mr. Roger Osbourne concerning his duties as Liberty County School Board Director of Maintenance.

2. *Liberty County Tax Assessor*

- a. Procedures used by the assessor's office to determine property values/ assessments including an overview of the recently completed contract to re-evaluate property throughout Liberty County.
- b. Comparison of property values and assessed values relative to Counties similar in size and demographics to Liberty County.
- c. Blanket tax assessments for Liberty County neighborhoods.

3. *Liberty County Tax Commissioner*

- a. Uncollected Taxes – the timeframe and procedure for write off of uncollectible taxes in Liberty County and the dollar value of this write off.
- b. Additionally, by O.C.G.A. § 36-1-7 a return must be made by the tax commissioner under oath on the first day or each term of superior court setting forth a "just and true statement of the amount of money belonging to the county which was received by (the tax commissioner) and the source from which money was received, along with their expenditures, accompanied by proper vouchers. (See O.C.G.A. §36-1-7 (b)-(c) for procedures.) This return has not yet been presented for Spring 2009 Grand Jury consideration and filing. Please make every effort to have

this presentment before the Grand Jury at our May 13, 2009 scheduled meeting. (see Enclosure 4)

c. Further, by O.C.G.A. § 48-5-161 (b) the grand jury is required to inspect the execution docket and cash book of the tax commissioner's office (during the spring term of each year). Please be prepared to discuss with the Grand Jury, during your April 9th presentment, an equally suitable date when this inspection made be accomplished. (Enclosure 5)

4. *Liberty County Board of Commissioners*

- a. Animal Control: Call hours and new facility. (Enclosure 6)
- b. Public boat ramp and saltwater access in Liberty County.
- c. Plans for old hospital site.
- d. Growth plans for Liberty County with planned troop increases.
- e. Current SPLOST program.
- f. Procedures used to develop the annual Liberty County budget.
- g. Distribution of the tax proceeds to the various county offices.
- h. Discussion of the purpose of the General Fund Reserve Account and transfers to and from that account.

5. *Liberty Regional Medical Center* (see Enclosure 7)

- a. EMS pay scales compared to other area facilities.
- b. Financial status of the hospital.
- c. Procedures used to develop the annual millage request.
- d. Distribution of the actual tax proceeds to the various medical center functions; and,
- e. Supplemental funding sources used by the medical center to offset additional expenses.
- f. Disposition of Carter Case.

6. *Liberty County Development Authority* (See Enclosure 8)

- a. Contracting procedures and current project costs regarding Trade Port East including return on investment timeframe.
- b. Detailed overview of the Trade Port East entrance and landscaping contracts and associated costs with funding sources specified.
- c. Detailed overview of the Trade Port East sewage treatment plant including options that were considered and set aside in favor of the current proposal.
- d. Airport Road Industrial Park client base/loss over the parks history and the associated dollar value of specialized facility construction and capitol equipment tax credits with projected return on investments.

- e. Midway Industrial Park client base/loss over the park's History and the associated dollar value of specialized facility construction and capitol equipment tax credits with projected return on investments.
- f. Detailed breakdown of funding income and expenditures
 - annual tax millage, state and federal grants and supplements and/or revenues - for the past ten years including substantive rational for the associated annual millage requests.

Except for the subcommittee visits to the jail (sheriff) (see Enclosure 9) and the Tax Commissioner's Office to view the "books", the entire body of the Grand Jury heard each of the presentments by the above referenced offices over the term of the Grand Jury. The agenda and minutes of each meeting of this Grand Jury are separately filed with the full report of this grand jury and are available in the Clerk of Courts office. Additionally, complete files (hard copy and/or electronic) of each office presentment are included with the full report of this grand jury.

Attached is a list of Enclosures which lists the specific findings of the 2009 Spring Term Grand Jury. Where no comment is offered, based on the above described presentments, no finding of concern or impropriety was noted.

The members of the Grand Jury wish to publicly thank each office and individual for their time and effort in preparing and making presentment to this Grand Jury. Your individual and group efforts make Liberty County a better place to live and work. We, as citizens, may not always agree with what we perceive as your job but after hearing what and why you do what you do we are much more tolerant of your task(s). As a group we have learned one thing during this term on this Grand Jury – most Liberty County offices do not promote the positives that truly impact our community. Secondly, we as citizens, when bothered by a situation do not take the time to personally discuss the matter with the appropriate county agency. Rather, we allow the issue to fester versus seeking the answer. Kudos' to the Liberty County Recreation Department; the Liberty County Development Authority; Liberty Regional Medical Center, the Liberty County Tax Commissioner and the Administrative Staff of the Liberty County Board of Commissioners.

GRAND JURORS FEBRUARY 2009 TERM

BOYCE, KIMBERLY L
BROWN, KIMBERLY A
CANNON, JOSEPH F
DYKES, DONALD A
DYKES, MARTHA A
FANNING, LANE G, CLERK
FISCHER, BETSY J
HARRIMAN, GLENDA M
KLOSEK, ANTHONY B
MCCARTNEY, CAREY HUY
MILLER, DIANE BROWN

MILLER, JOSEPH
MOODY, MICHAEL
OSTEEN, STEPHANIE B, ASST CLERK
PRAY, VINCENT K
SAPP, DAVID C, FOREPERSON
SHIPMAN, JAMES C
SHURTLEFF, CHARLES H III
SMILEY, R KENNETH, JR, ASST FOREPERSON
SMITH, BARBARA S
WALTERS, LANDER GENE
WELLS, JULIE
WINKLES, DONALD N

Liberty County Tax Commissioner's Office

The duty of the Tax Commission is to bill and collect taxes, distribute monies collected to the State, County, Board of Education, City of Hinesville, Industrial Authority, Solid Waste Authority and Hospital Authority. The Tax Commissioner's office collects and disburses these taxes in accordance with the millage rates set by each authority. The Tax Commissioner does not determine the tax values or tax amounts. Virgil M. Jones is the current Tax Commissioner, having taken office in 2005.

At the first meeting of this grand jury, we decided to ask Virgil Jones to make a presentation to us addressing specific concerns. Virgil made an appearance before this grand jury on April 9, 2009. The grand jury concerns and the Tax Commissioner's responses (in italics) follow.

- Uncollected taxes and how they are charged off the books

Over a period of years, delinquent tax files can become deemed 'uncollectible' for a number of reasons. Such reasons are listed below.

- *Bills on which the statute of limitations has expired as cited in O.C.G.A. 48-3-21.1*
- *Real Property that changed ownership more than four years ago as cited in O.C.G.A. 9-12-93 and 48-3-22*
- *Personal Property that changed ownership more than two years ago as cited in O.C.G.A. 9-12-93 and 48-3-22*
- *Personal property where the owner cannot be located after a reasonable search which is nulla bona as cited in O.C.G.A. 48-3-23*
- *Unprocessed bills which are duplicates or errors*

At the point the file is declared uncollectible, it is required to be removed from the Tax Commissioner's delinquent tax rolls.

Personal property deemed uncollectible is placed on an 'Insolvent List' only after a diligent search has been performed. The list is then presented to the county governing authority for approval. Once approved, the tax file is charged-off from the current accountability. A FiFa, which is a tax lien or writ, is left open on the GED in the event an insolvent taxpayer or his property reappears, moves back into the county, or the taxpayer begins a new business.

Real property deemed uncollectible is also presented for approval to charge-off after a similar search.

The collection rates for the past five years indicate a substantial amount of taxes have been collected.

2008	90.08%
2007	96.41%
2006	99.07%
2005	99.66%
2004	99.51%

- Members of the grand jury were concerned about the amount of delinquent taxes owed by Hampton Island group.
 - *After the Hampton Island group resolved some internal management issues, the tax commissioner developed a payment schedule that will cause the delinquent taxes to be paid.*
- Members of the grand jury requested a review of the tax commissioner's books. On the date of his appearance before the grand jury, the books had not been closed out for the fiscal tax year. On August 13th, 2009, members of the grand jury visited the tax commissioner's office to review the books, records and procedures.

After the presentation and the visit to the tax commissioner's office, the grand jury made the following observations.

- In light of the economic situation, Liberty County has a relatively good collection rate. Further information about the collection rates can be found in his presentation to the grand jury.
- The tax commissioner's staff has several employees that have long tenure and they are very knowledgeable with the laws required for their positions. They seemed dedicated to performing their job in a professional and accountable manner.
- The grand jury members reviewed the practices and procedures of payments received over the counter and by mail, collection of insufficient funds checks and the issuance of checks from the commissioner's office. In every instance, the tax commissioner and his staff have implemented several 'checks and balances' procedures to ensure proper posting of payments and accountability for all cash received. Daily bank deposits are made and receipts are attached to the daily balance sheet that is automatically generated based on receipts from each collection station. All checks issued from this office are dually reviewed and recorded. All receipts and payouts are recorded in the Quick Books application used by the tax commissioner's office.

It is the opinion of this grand jury that Virgil Jones feels an obligation and responsibility as an elected official to oversee the collection of taxes with the highest integrity for the benefit of Liberty County residents. He does so with a sense of great pride yet much humility. Virgil considers it a "privilege to serve the residents and taxpayers of Liberty County". However, he gives much of the credit to the taxpayers for understanding their responsibility to government and making payment in a timely manner.

Liberty County Animal Control Discussion and Recommendation

Introduction:

Questions were raised after hearing criminal cases that involved Liberty County Animal Control. The Grand Jury heard a presentation given by Joey Brown concerning Liberty County Animal Control. Committee: Lane Fanning and Julie Wells

1. What is Animal Control's Procedures?

This is a new policy that was put into place by the Liberty County Animal Control. Animal Control Officers will answer complaints as timely as possible and will convey professional and courteous attitudes at all times. When an officer responds to a call and the person complaining is not at home the Officer will leave a hang tag and follow-up within 24 hours with another call.

Any time an animal trap is used, the Animal Control Officer will secure a signed consent from the property owner requesting the trap. All consent forms will be returned the day the trap is brought back to the facility. Traps will only be allowed out for seven days at a time.

Any animal picked up that appears to be sick, injured or diseased will be taken to the nearest available veterinarian. If there is no available veterinarian, the Animal Control Officer will have to use discretionary judgment. If the animal is to be euthanized, it will be done immediately upon arrival at the Animal Control Facility. Sick or injured animals will be kept in designated pens only.

2. How SPLOST funds are being distributed?

The Board of Commissioners Spring 2009 Report indicated one of the proposed projects is a new Animal Control facility for Liberty County with a proposed allocation of \$1,000,000.00

3. What are the On Call Hours?

There will be four officers with four rotating shifts. Animal Control will be staffed seven (7) days a week. Animal Control Officers will work a rotating shift. One Officer will come on shift Monday thru Friday at 6:00 a.m. until 3:00 p.m., one Officer will come on shift at Monday thru Friday 8:00 a.m. thru 5:00 p.m., and one Officer will come on duty Thursday thru Friday 3:00 p.m. until 12:00 a.m. and Saturday thru Sunday 10:00 a.m. until 7:00 p.m. and Monday 3:00 p.m. until 12:00 a.m. After-hours, Animal Control Officers will be contacted through the 911 operators.

Recommendation: No need was found for this committee to continue.

Liberty County Hospital Authority/Liberty Regional Medical Center

The Liberty County, 2009 Spring Term Grand Jury met with Mr. Scott Kroell, CEO; Mr. Sam Johnson, CFO and Mrs. Rene Harwell, Director of Marketing at medical center on April 8, 2009. The group dined in the cafeteria and was then briefed on the current and future plans of the hospital including state-of-the-art information sharing and diagnostic equipment and procedures. The group then divided into two smaller units for guided tours the hospital facility. Each tour included visits to Admissions, Emergency Room, Pre-Natal, the newly rehabbed Maternity Ward, Laboratory Services, Ex Ray including the new scanning and film review process, the operating rooms and the Intensive Care and recovery wards. Following the hospital tour the grand jury returned to the Grand Jury Room for continued dialogue with Mr. Kroell and Mr. Johnson.

Three primary areas of concern had been identified for consideration by the grand jury and the staff of LRMC:

- a. The financial stability of the hospital;
- b. The pay for Emergency Medical Service employees (from previous grand jury); and
- c. The issue of Dr. Glynn Carter.

FINANCIAL STABILITY

Mr. Sam Johnson briefed he grand jury on the past and current financial status of the hospital noting that most patients are from the local and surrounding area. It was also discussed that many soldiers bring family and friends to the area but these individuals are not eligible for Tri-Care benefits and thus are reliant on LRMC or other health care providers for medical services. He also noted that no patient, regardless of income, can be turned away from the hospital. This has had a significant financial impact on the facility's bottom line. Mr. Johnson provided the following statistics regarding the concentration of credit risk assumed by LRMC.

<u>Concentration of Risk</u>	<u>2008</u>	<u>2007</u>
Medicare	9%	11%
Medicaid	10%	17%
Blue Cross and other Third Parties	26%	25%
Self-Pay Patients	55%	47%

Mr. Johnson noted that even though the self pay patient percentile has increased the hospital has operated in the black for the past two years, based primarily on staff and administrative procedure changes. And, the future looks favorable for a third positive cash flow year.

This Grand Jury commends Liberty Regional Medical Center and the Liberty County Hospital Authority for implementing these changes; following the recommendations of the Authority and LRMC's consultant and for posting successive profitable balances for the past two years.

EMS PAY

Mr. Kroell presented the grand jury with a salary comparison for our EMS employees compared to surrounding areas. This survey is done annually to insure retention of our highly trained EMT's and supporting staff. The grand jury found no requirement for further action regarding this issue.

DR. GLEN CARTER ISSUE

The following is a transcription of an "Open Letter to The Concerned Citizens of Liberty County Regarding Glenn Carter, M.D." as respectfully submitted by The Hospital Authority of Liberty County.

"AS MOST MEMBERS OF THIS COMMUNITY ARE AWARE, OVER THE PAST SEVERAL YEARS THE HOSPITAL AUTHORITY OF LIBERTY COUNTY HAS BEEN IN A POSITION OF HAVING TO DEFEND ITSELF AGAINST NUMEROUS LEGAL CLAIMS BROUGHT BY ROBERT GLENN CARTER, M.D. THE HOSPITAL AUTHORITY IS PLEASED TO ANNOUNCE THAT ON JANUARY 28, 2008, THE GEORGIA SUPREME COURT, ROBERT GLENN CARTER, M.D. V. HOSPITAL AUTHORITY OF LIBERTY COUNTY, GEORGIA D/B/A LIBERTY REGIONAL MEDICAL CENTER, BECAME THE THIRD GEORGIA COURT TO RULE AGAINST DR. CARTER. DR. CARTER'S LEGAL CLAIMS AGAINST THE HOSPITAL AUTHORITY HAVE NOW BEEN CONSIDERED BY THE LIBERTY COUNTY SUPERIOR COURT, THE GEORGIA COURT OF APPEALS, AND THE GEORGIA SUPREME COURT. ALL THREE COURTS HAVE RULED IN THE HOSPITAL AUTHORITY'S FAVOR.

DR. CARTER'S CLAIMS AGAINST THE HOSPITAL AUTHORITY PRIMARILY RELATED TO HIS LOSS OF MEDICAL STAFF PRIVILEGES AT LIBERTY REGIONAL MEDICAL CENTER. IN MARCH 2003, THE HOSPITAL AUTHORITY, ACTING ON UNANIMOUS VOTE OF ITS MEMBERS, REVOKED DR. CARTER'S MEDICAL STAFF PRIVILEGES AT LIBERTY REGIONAL MEDICAL CENTER. DR. CARTER FILED A LAWSUIT AGAINST THE HOSPITAL AUTHORITY AND OTHER INDIVIDUALS INVOLVED IN THE PROFESSIONAL REVIEW PROCESS. DR. CARTER RAISED A NUMBER OF CLAIMS AGAINST THE HOSPITAL AUTHORITY, PREDICATED ON BOTH THE HOSPITAL AUTHORITY'S REVOCATION OF HIS MEDICAL STAFF PRIVILEGES AND THE HOSPITAL AUTHORITY'S SUBSEQUENT ATTEMPTS TO RESOLVE AMICABLY THE DISPUTE WITH DR. CARTER. THE LIBERTY COUNTY SUPERIOR COURT RULED THAT DR. CARTER'S CLAIMS LACKED MERIT AND AWARDED JUDGMENT TO THE HOSPITAL AUTHORITY ON ALL COUNTS.

DR. CARTER APPEALED THAT DECISION OF THE LIBERTY COUNTY SUPERIOR COURT TO THE GEORGIA COURT OF APPEALS. IN AUGUST 2007, THE GEORGIA COURT OF APPEALS ALSO RULED AGAINST DR. CARTER AND UPHELD THE DECISION OF THE LIBERTY COUNTY SUPERIOR COURT. THEN, IN SEPTEMBER 2007, DR. CARTER FILED A PETITION FOR CERTIORARI WITH THE GEORGIA SUPREME COURT ASKING FOR FURTHER REVIEW OF THE DECISION OF THE GEORGIA COURT OF APPEALS. THE HOSPITAL AUTHORITY RESPONDED TO DR. CARTER'S PETITION, AND ON JANUARY 28, 2008 THE GEORGIA SUPREME COURT DENIED DR. CARTER'S PETITION.

MANY IN THIS COMMUNITY ARE ALSO AWARE THAT THE LIBERTY COUNTY GRAND JURY, FEBRUARY 2007 TERM, INCLUDED IN ITS PRESENTMENTS THE RECOMMENDATION THAT THE HOSPITAL AUTHORITY REINSTATE DR. CARTER'S MEDICAL STAFF PRIVILEGES. THE HOSPITAL AUTHORITY BELIEVES THAT IT IS IMPORTANT FOR THE COMMUNITY TO KNOW THAT THE RECOMMENDATION APPARENTLY WAS BASED SOLELY ON DR. CARTER'S ACCOUNT OF THE EVENTS. IT IS THE HOSPITAL AUTHORITY'S UNDERSTANDING THAT DR. CARTER APPEARED BEFORE THE GRAND JURY, PRESENTED HIS POSITION AS TO THE REASONS FOR THE HOSPITAL AUTHORITY'S REVOCATION OF HIS MEDICAL STAFF PRIVILEGES, AND REQUESTED AN INVESTIGATION BY THE GRAND JURY.

UNFORTUNATELY, THE HOSPITAL AUTHORITY WAS NOT ASKED TO ADDRESS THE GRAND JURY TO REFUTE DR. CARTER'S CLAIMS. FOLLOWING THE PUBLICATION OF THE GRAND JURY'S PRESENTMENTS, HOWEVER, THE HOSPITAL AUTHORITY FELT COMPELLED TO PROVIDE THE GRAND JURY IN NOVEMBER 2007 A DETAILED WRITTEN RESPONSE REFUTING DR. CARTERS CLAIMS. THE HOSPITAL AUTHORITY HAS PROVIDED A SIMILAR WRITTEN STATEMENT TO THE CURRENT GRAND JURY IN MARCH 2008.

THE HOSPITAL AUTHORITY IS KEENLY AWARE OF THE IMPACT THAT DR. CARTERS LONG-STANDING LAWSUIT AGAINST THE HOSPITAL AUTHORITY HAS HAD ON THE COMMUNITY, AND THE HOSPITAL AUTHORITY REGRETS ANY HARDSHIP OR INCONVENIENCE THAT HAS RESULTED FROM ITS DECISION TO REMOVE DR. CARTER FROM THE LIBERTY REGIONAL MEDICAL CENTER MEDICAL STAFF. NEVERTHELESS, THE HOSPITAL AUTHORITY HAS AN OBLIGATION TO THE COMMUNITY TO ENSURE THAT THE HIGHEST QUALITY OF CARE POSSIBLE IS PROVIDED THROUGH LIBERTY REGIONAL MEDICAL CENTER. THE HOSPITAL AUTHORITY HAS BEEN AND WILL REMAIN DILIGENT IN FULFILLING THAT OBLIGATION, AND DOES NOT INTEND TO COMPROMISE WITH RESPECT TO THAT RESPONSIBILITY.

WITH THIS FINAL DECISION FROM THE GEORGIA SUPREME COURT, DR. CARTERS LONG-STANDING LAWSUIT AGAINST THE HOSPITAL AUTHORITY FINALLY HAS COME TO AN END. THE HOSPITAL AUTHORITY HOPES THAT IT, AND THE ENTIRE COMMUNITY, CAN MOVE FORWARD FROM THIS DISPUTE AND FOCUS INSTEAD ON ENSURING THAT THE HIGHEST QUALITY HOSPITAL SERVICES ARE AVAILABLE TO ALL RESIDENTS."

RESPECTFULLY SUBMITTED,

THE HOSPITAL AUTHORITY OF LIBERTY COUNTY
JON LONG, CHAIRMAN

DURAND STANDARD VERDELL JONES
JAMES ROGERS JAMES THOMAS

CHRISTOPHER VAUGHN, M.D.
WILLIAM DARSEY

End of Carter Transcription

GRAND JURY FINDING: The Liberty County Grand Jury, 2009 Spring Term finds, as presented above, that the Georgia Supreme Court has ruled effective January 28, 2008 on the issue of Robert Glenn Carter, MD v. Hospital Authority of Liberty County D/B/A Liberty Regional Medical Center. As such, the court has ruled and this matter is no longer an issue for any future Liberty County Grand Juries to consider.

Liberty County Development Authority (LCDA)

The review of the Liberty County Development Authority (LCDA) was completed with the full cooperation of the Ron Tolley, CEO and the staff at the Authority. The purpose of Liberty County Development Authority is to develop and promote industry within Liberty County. LCDA operates with a seven member board. Two members are automatic (Mayor of the City of Hinesville and Chairman of the County Commissioners) and five members are appointed by our elected officials. The County Commission appoints four members and the City of Hinesville appoints one member. Funding for LCDA is provided by county millage at 2% per year as set by Georgia legislation.

LCDA partners with other organization, such as City of Hinesville, Liberty County Board of Commissioners, Liberty County Board of Education and Fort Stewart, to bring businesses and create projects for the betterment of Liberty County. Some of the business and projects LCDA has helped put into place in Liberty County in the past ten years include:

Fort Stewart Education Center	MPC
Savannah Technical College	Bioagra
Midcoast Regional Airport	CTech
International Greetings USA	Hugo Boss
Truss Mart	Elan Technology
Board of Education Transportation Facility	Luhr's Mainship

The following concerns were reviewed by the members of the grand jury.

- Hardscape, Landscape & Irrigation Contract for Tradeport East
 - After a presentation by Ron Tolley, LCDA's CEO, we learned that solicitation bids were placed in the Coastal Courier and LCDA website for 30 days. Seven contractors attended the pre-bid meeting and four of those seven submitted proposals. The contract was awarded to the lowest bidder, Russell Landscape Group from Atlanta, Georgia.
 - The landscape project is 80% complete and projected completion date is late summer 2009.
 - Russell Landscape Group issued a one year warranty for plants. The warranty for plants along Sunbury Road will expire in February 2010. The plants at the front entrance will be warranted for one year from the date of acceptance once the project is complete. LCDA will exercise its warranty rights if plants fail to thrive.
- Design of entrance into Tradeport East
 - There has been much concern about the extravagant entrance into Tradeport East. We realize in order for Liberty County to be successful in attracting businesses and developers, we must look the part as do industrial parks in other counties. While many may not like the look of the entrance, the design compares favorably with other competitive industrial parks.

- The total project cost for hardscape, landscape and irrigation was \$2,107,358. IDI, a full service real estate development firm that is consistently ranked in the top five industrial developers each year, funded 25% of this cost. IDI also purchased 250 acres in Tradeport East with an option to purchase 1,000 more acres. They have erected a spec building thus removing the responsibility and cost from LCDA having to erect a building.
- Shipping Entry Signage
 - Residents in east Liberty County have reported incidents of tractor trailer rigs missing the shipping entrance and entering residential areas to turn around. This creates much concern about the safety of the residents. This concern was voiced to Mr. Ron Tolley during his appearance before this grand jury on July 8, 2009. Mr. Tolley agreed to look into the situation and the possibility of additional signage being placed denoting shipping and delivery driveway.
- Tradeport East Water Reclamation Facility (TEWRF)
 - There is much concern about the site to release any excess overflow. Laurel View River is not a free flowing stream
 - Environmental concerns were voiced about the overflow of advanced treated water into Laurel View River. During prolonged wet weather events and winter months, the supply of reclaimed water may exceed landscape irrigation demand and the TEWRF's onsite storage capacity, resulting in an overflow of treated water. The Authority requested a National Pollutant Discharge Elimination System (NPDES) permit to allow any excess advanced treated water to be discharged into the Laurel View River. LCDA has also begun exploring the use of reclaimed water for other non-potable purposes such as toilet flushing, fire fighting and process make-up water for clean-green light manufacturing facilities. The use of reclaimed water for other non-potable purposes would greatly reduce the amount of overflow released into the river should extremely wet weather events occur.
 - EPD has decided to perform a study of the Laurel View River specifically to collect data to support the issuance of the NPDES permit. The study is scheduled to begin in late August 2009 and will take approximately four months to complete. LCDA anticipates having the results in the first quarter of 2010.
 - The information provided to this grand jury gave us more insight into the environmentally conscious decisions made by LCDA board members for the welfare of this community. The general public should have been given clear and concise facts prior to this time.
- Upon recommendation from the February 2007 grand jury, a follow up was made to determine if the \$2,000,000 in Economic Development Authority grant funds had been recovered. The funds were recovered and used to construct water/sewer infrastructure within Tradeport East.

- The grand jury committee reviewed the last audited financial statement dated June 30, 2007. Issues and concerns of Karp, Ronning & Tindol, CPA and management responses were noted as follows:
 - Grant proceeds not drawn timely-- this refers to EDA grants that were at risk of being withdrawn due to missing deadline stated in the grants.
 - *Management agreed with the findings. Management responded that it had filed and received extensions for the two grants in question. As of the writing of this report, all grant request forms have been filed and received with one exception of a grant from EPA. LCDA expects funding to be in hand by the end of fiscal year 2010.*
 - Timeliness of financial reporting (also cited in 2006)—this refers to financial information not being given to the auditing firm in a timely manner
 - *Management agreed with the finding. Management responded that additional staff has been added to assist in improving the accounting and financial reporting processes and implement corrective action as necessary. As of the writing of this report, no additional staff has been added but duties have been reallocated among three staff members to determine if they can take care of the issue through a 'checks and balances' approach instead of adding the expense of additional staff. An audited financial for fiscal year June 30, 2008 was not completed as of this writing.*

After an in depth review of the presentation from LCDA's CEO, Ron Tolley, the grand jury members better understand the workings of the Authority and the projects in which they are involved. It is the consensus of this grand Jury that the members and staff of the Authority have worked diligently for the environmental protection and betterment of the residents of Liberty County.

In the past 10 years, LCDA received \$15,074,393 in millage funds from the county. Also in the same 10 year period, LCDA worked to bring businesses and industries into Liberty County that have generated \$677,933,152 in payroll. This does not include the value of grants won by the Authority, construction job payrolls, taxes paid by the companies or utility payments made by the companies. When the amount of millage received by the Authority is leveraged just against the new business payrolls generated, the return on investments is 45:1. This grand jury believes the county has definitely benefited from the Authority's usage of the millage funds.

In the past, much of the Authority's progressive efforts appear to have gone unreported in the local newspaper. It is the opinion of this grand jury that the general public would be more open to accepting the projects proposed by the Authority if they were given all of the data in a more timely and concise manner. It is fully understood by the members of this grand jury that some information must remain confidential until such time that it is appropriate when dealing with prospective businesses. We feel the Authority has not properly informed the general public as to its ongoing efforts and the culmination of those efforts. Public meetings are one avenue of communication with the public however; the working people of the county may not be able to

attend such meetings. The Authority should explore additional means to get the correct information to the public.

This grand jury makes the following recommendations in regards to the aforementioned issues.

- We recommend LCDA better utilize its marketing staff. In addition to promoting the county to prospective businesses, LCDA should prominently exhibit its accomplishments and benefits they bring to Liberty County in such a manner that it reaches more of the general public. The marketing staff needs to be able to tell the public how many Liberty County residents are employed in the industrial sites businesses and how many dollars of the overall payrolls stay in Liberty County.
- We encourage LCDA to hire local contractors, if they qualify, to perform work at any of its projects thus enhancing the overall benefit to residents of Liberty County.
- We recommend additional signage be placed at Tradeport East to more safely direct shipping and delivery vehicles away from residential areas. This is a concern that demands an immediate fix.
- Since the Tradeport East Water Reclamation Facility NPDES permit is dependent on approval by the EPD, we recommend results of the EPD study of Laurel View River be presented to the Spring 2010 grand jury along with any revised plans for the Tradeport East Water Reclamation Facility.
- We recommend that management may need to reconsider the hiring of additional staff before the workload has a negative impact on the existing staff. LCDA is handling an intensive amount of work with an office staff of six which includes the CEO. Timeliness of reporting has been an issue and concern for two consecutive years.

Sheriff's Department Committee Report

Chairman	Charles H. Shurtleff, III
Grand Juror	Martha Dykes
Grand Juror	Diane Brown Miller
Grand Juror	Kimberly Boyce
Grand Juror	Glenda Harriman
Grand Juror	Kimberly Brown
Grand Juror	Vincent K. Pray
Grand Juror	Anthony Klosek
Grand Juror	Barbara Smith (absent from tour)

Questions and concerns raised by the Spring 2009 Grand Jury subcommittee:

- a. The one (1) dollar Sheriff's fee added to all vehicle registration tags in Liberty County.
- b. Budget constraints for pay increase to the Court Bailiff's of Liberty County.
- c. What agency controls the MACE team?
- d. DARE officers in their training telling children the importance of not smoking but smoking in sight of the students.
- e. What and how does the Sheriff's Department use seized funds?
- f. Why did the Sheriff's Department leave Bradwell High School when they were going to conduct a drug sweep by the orders of the Principal when the School Board said ok?
- g. Does the Sheriff's Department have a legitimate right to search school grounds anytime it wants to?
- h. Does the Sheriff's Department have a five (5) or ten (10) year plan.
- i. Does the Sheriff's Department adequate staffing.
- j. What is the annual budget breakdown for the Liberty County Sheriff's Department?

The following findings are from a tour conducted at the Liberty County Sheriff's Department Jail Complex on July 22, 2009 at 1:30 pm. Waited with Capt. Duncan till 1:35 for everyone to arrive until we started our Tour/Q & A session.

Capt Duncan took us to meet Chief Moran. Chief Moran was an excellent speaker and answered the questions that we asked. For clarification we did not swear in Chief Moran (wasn't thought of until after Q& A session was over). The only question that Chief Moran didn't answer was dealing with the one dollar fee added onto our vehicle registration/tag bill.

The Sheriff's Department patrol consists of four Shifts of 5 patrolmen per patrol. One shift is called the Hot Shift, similar to Hinesville's Crime Suppression Unit, and has 8 patrol officers dedicated to that shift. They consist of their K9 units and traffic is a roaming patrol that targets high traffic areas to deter crime in that area. One Patrol Officer contracted to the City of Flemington. These patrols patrol 519 square miles of Liberty County. The only area that Liberty County doesn't Patrol is The City of Hinesville. They deputies average responding to 36,000 to 40,000 calls per year. Chief Moran said that the patrolman per shift needs to be increased to a minimum of 8 for the amount of calls that they respond to. The manpower per shift hasn't changed for at least 8 years.

The Sheriff's Department Jail staffing consists of 59 full time employees and 2 part time employees. The jail has 2 pods which house around 210 to 250 inmates. This is a jail only and not a prison. The facility is not suppose to hold inmates for long terms but hold inmates waiting for trial or for prison after a conviction in a trial. There is a construction plan for a new pod in five years which will be funded entirely by SPLOST. The jail has contracts with other agencies for short term housing of their inmates. These agencies are Fort Stewart, Long County, Ludowici, City of Hinesville, City of Midway and City of Walthourville. The Liberty County Jail charges agencies 35 dollars per day for feeding and housing of their inmates. The fees paid to the jail are turned over to the counties general fund. They collect about \$80,000.00 per year from these fees. There are presently 31 felons waiting rooms in State prison housed in the County Jail.

The jail complex has initiated a new program for dead beat dads. Those fathers that haven't paid their child support and are sent to jail by a judge are offered a program so they may retain their job and pay off their fine and pay their child support. The program is stringent and the individual must have the approval from several agencies to enroll in it. The Judge, Sheriff, DA, and employer must consent to allow the individual into the program. The individual must have his own transportation to and from work. The individual must regularly pass a weekly drug and alcohol test. Until his child support and fines are paid the only time out of jail for the individual is work and 2 to 3 hours on Thanksgiving and/or Christmas. The Staff employee responsible for this program does make random checks of the inmate's employment work location. This program is very stringent: failing to pass a drug test or skipping work violates the rules of the program and the inmate is out of the program. This program has a high success rate in that the repeat offenders are few and the inmates finish the program early by paying off their fines and back payments.

The Sheriff's Department has purchased all of its vehicles for the last three years and outfitted them. It costs about \$35,000.00 to outfit one patrol car. The Sheriff's Department vehicle pool is broken into two categories: High Risk and Low Risk. Any vehicle over 150,000 miles is considered low risk. Patrol vehicles are primarily in the High Risk category. On all the vehicles retired from the sheriff's dept they are stripped of all equipment. The equipment that is of satisfactory condition is then used to replace substandard equipment in other vehicles or placed on new vehicles. Some of the vehicles that are still road worthy are being used by the Sheriff's Department in Driver's Training conducted at the old airport. This training is done at low speed for operator safety.

The State of Georgia requires law enforcement officers to obtain at least 20 hours of training per year. Liberty County requires a minimum of 25 hours of training per year. This training helps with any litigation that the Sheriff's Department encounters. The Sheriff's Department is in the process of building a new training room at the Jail Complex for increased seating, The current room is too small - only holds about 5 to 8 people. This expanded classroom is being funded with "seized asset funds".

The Sheriff's Department currently has \$474,340.15 of seized asset funds. These funds can only be used to fund law enforcement facilities, pay for equipment or training of the officers. These funds cannot be used to fund normally budgeted items or salaries. The State conducts a bi-annual audit of the fund. These funds are distributed to involved law enforcement agencies, not all of the funds are available for use by the Liberty County Sheriff's Department. For example, a percent may go to the DA, a portion to the Clerk of Courts, etc., etc. When funds are seized with other agencies involved - State of Georgia,

DEA, ATF or other federal agencies - those agencies determine how much the Sheriff's Department will receive.

The Sheriff's Detectives have an extremely high percentage for solving their cases. Chief Moran said they were in the 90 percentile and that was significantly higher than the National Average. Chief Moran gave an average number of cases that the detectives receive during a year but I failed to write that number into my notes. A question from the last Grand Jury about crime rate and Ombudsman being linked together was discredited. Chief Moran said majority of the crime committed by juveniles, those under the age of 16, was seasonal at best, primarily in the summer and they were more a crime of convenience. As for burglaries, most - if not all burglaries - were committed by people in the age of 18 to 25.

A question asked to the School Board and also to the Sheriff's Department, was about the incident at Bradwell Institute. The Sheriff's Department gives the Board of Education a block of dates that they will do searches at the schools. The Board of Education checks its schedule so that it doesn't interfere with any state testing and gives a reply of what dates are OK. The Sheriff's Department then determines when the search will occur and gives the school at least a 30 minute advance notice. Chief Moran said they usually coordinate about a day prior to the search with the Principal ONLY. On the situation with Bradwell the schedule did not have that day listed as a test day and was approved as a viable day for a search. The previous day the principal agreed to the search, but the day of the search the principal wasn't there and a vice principal wasn't aware of the plan. Due to the high stress placed on the K9 Units during a search and the size of Bradwell the Sheriff's Dept decided to call it off. Chief Moran said that you only want to work a dog about 1 to 2 hours max due to the stress. Chief Moran also said the searches do little for drug arrests; they are more of a deterrent than anything.

An item of concern brought up to Chief Moran about DARE officers was the fact that during the training and mentoring by the officers that they give to the students, they kind of take a DO AS I SAY NOT DO AS I DO approach by smoking not in front of the children but insight of the children. Chief Moran said he would correct the problem.

MACE is a three party agency with a board of directors. The three agencies that make up MACE are Long County Sheriff's Department, Liberty County Sheriff's Department and the City Of Hinesville. The board of directories is made up Liberty County Sheriff, Long County Sheriff, Hinesville's Police Chief, Atlantic Judicial District Attorney, Fort Stewart CID and the DEA. The Long County Sheriff's Department does not provide manpower to MACE; they do supply funds for operations. The Liberty County Sheriff's Department and The City of Hinesville Police Force supply equal manpower for MACE. MACE falls underneath the Sheriff for disciplinary actions but the MACE team is run by Mr. Cato. The MACE Team handles all its own seizure's and has to fill out its own reports. From Mr. Moran quote the Grand Jury of Liberty County can question and investigate the Mace Team like any other county agency. MACE handles about 500 to 600 felony cases per year. MACE receives grant funding which will expire in two years.

Liberty County Jail Tour (Conducted by Captain Duncan). We were shown the following areas: Booking, Primary Control Room, Mental Isolation Cell, Kitchen, Laundry, POD 1, Control Tower 1 with view of inmates, Control Room 2, Court Room, POD 2 and Control

Tower 2 with view of inmates. Captain Duncan apologized to the ladies for the inmates and explained the reason they have no privacy in the POD 1 holding cells. A question brought up in POD 1 was why in the different compartments that make up the POD, why wasn't all beds behind bars in individual cells. The answer given was that it was decided by the County Commission to cut the cost of building the new jail. Another question brought up in POD 1 was why there were bars and not walls separating beds. The answer given was it allowed for better surveillance of the prisoners mainly for safety to the staff and other prisoners. It's harder to conceal when nothing is blocking your view. The Court Room is open to the Public when they are holding Trial. Captain Duncan informed us that all the correctional officer's are trained in both pepper spray and taser's

The following questions was not raised but was intended to be asked during our discussion with Chief Moran: This question might be addressed by the next Grand Jury. What is the one dollar fee added to the tag fee for the Sheriff Department used for?

Enclosure Listing

Made part of the Liberty County Grand Jury, 2009 Spring Term Presentments

Enclosure 1	2009 Spring Term Grand Jury Initial Members
Enclosure 2	Clerk of Courts "Just and True" Financials
Enclosure 3	Probate Judge "Just and True" Financials
Enclosure 4	Tax Commissioner "Just and True" Financials
Enclosure 5	Tax Commissioner Overview and Summary of Grand Jury review of Execution Docket and Cash Book
Enclosure 6	Animal Control Findings
Enclosure 7	Liberty Regional Medical Center Findings
Enclosure 8	Liberty County Development Authority Findings
Enclosure 9	Sub Committee Findings: Liberty County Sheriff's Department and Jail Complex

**Office of the Clerk of Superior, State, Juvenile and Magistrate Courts
Liberty County, Georgia**

Funds Received, Disbursed and Carried Over

From: Aug-08 Through: Jan-09

General Account #103 (Disbursable within 30 Days)

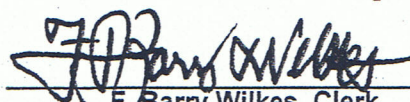
Month	Forward	Receipts	Disbursements	Amt. Remaining
	\$ -			\$ -
Aug-08		\$ 341,588.03	\$ 341,588.03	\$ -
Sep-08		\$ 344,183.84	\$ 344,183.84	\$ -
Oct-08		\$ 340,020.91	\$ 340,020.91	\$ -
Nov-08		\$ 317,368.42	\$ 317,368.42	\$ -
Dec-08		\$ 322,610.15	\$ 322,610.15	\$ -
Jan-09		\$ 334,377.82	\$ 334,377.82	\$ -
Totals for Period		\$ 2,000,149.17	\$ 2,000,149.17	\$ -

Month	Forward	Receipts	Disbursements	Amt. Remaining
	\$ 735,034.98			\$ 735,034.98
Aug-08		\$ 16,391.00	\$ 40,851.68	\$ (24,460.68)
Sep-08		\$ 15,537.00	\$ 14,923.00	\$ 614.00
Oct-08		\$ 17,334.50	\$ 19,643.43	\$ (2,308.93)
Nov-08		\$ 10,747.00	\$ 13,485.00	\$ (2,738.00)
Dec-08		\$ 27,179.00	\$ 10,025.00	\$ 17,154.00
Jan-09		\$ 24,506.71	\$ 20,715.00	\$ 3,791.71
Totals for Period	\$ 735,034.98	\$ 111,695.21	\$ 119,643.11	\$ 727,087.08

Period	Forward	Receipts	Disbursements	Balance
08/2008 - 01/2009	\$ 735,034.98	\$ 2,111,844.38	\$ 2,119,792.28	\$ 727,087.08

I, F. Barry Wilkes, Clerk of Liberty Superior Court, Juvenile Court, State Court and Magistrate Court, make this return as required by law on the date stated herein.

Date: February 2, 2009


 F. Barry Wilkes, Clerk

August 12, 2009

To: The Grand Jury of
Liberty County, Georgia

Per your request and in accordance with O.C.G.A. 36-1-7 the following is a summary of the collection and distribution of tax revenues collected by the Tax Commissioner's Office for the period of July 1, 2008 through June 30, 2009.

If additional information is desired please let me know.

Sincerely,

Virgil M. Jones
Tax Commissioner
Liberty County

**Collection/ Distribution of revenue collected by the Tax Commissioner for
the period of
July 1, 2008 thru June 30, 2009**

Real and Personal Property Taxes

Total taxes:	\$36,277,101.78
Solid Waste fees:	\$ 852,691.09
Penalty:	\$ 275,414.01
Interest:	\$ 392,080.29
Cost:	\$ 94,305.15
Total Collected:	\$37,891,592.32

Distribution of Collection:

State:	\$ 247,378.90
School:	\$ 14,995,368.02
County:	\$ 11,374,575.85
Ind. Authority:	\$ 1,936,875.24
Hosp. Authority:	\$ 2,975,095.16
City of Hinesville:	\$ 4,747,805.43
Solid Waste:	\$ 852,691.09
Penalty:	\$ 275,414.01
Interest:	\$ 392,080.29
Cost:	\$ 94,305.15 (To various vendors)
Total:	\$37,891,592.32

Homeowners Tax Relief Grant: \$ 2,064,123.29

Distribution:

State:	\$ 13,396.50
School:	\$ 848,249.36
County:	\$ 648,153.72
Ind. Authority	\$ 110,927.25
Hosp. Authority	\$ 171,937.12
Hinesville	\$ 271,459.34
Total:	\$2,064,123.29

Timber Taxes

Collection and Distribution:

State:	\$ 908.18
School:	\$ 56,819.21
County:	\$ 44,781.40
Ind. Authority:	\$ 7,264.49
Hosp. Authority:	\$ 10,851.26
City of Hinesville:	\$ 346.40
Penalty:	\$ 1520.65
Interest:	\$ 2983.90
Total:	\$ 120,970.94

Heavy Equipment Taxes

Collection and Distribution:

State:	\$ 5.87
School:	\$ 372.50
County:	\$ 304.28
Ind. Authority:	\$ 46.91
Hosp. Authority:	\$ 67.40
City of Hinesville:	\$ 0.00
Penalty:	\$ 55.46
Interest:	\$ 89.18
Cost:	\$ 50.00
Total:	\$ 991.60

Mobile Homes:

Total taxes:	\$ 342,679.62
Solid Waste fees:	\$ 126,534.67
Penalty:	\$ 31,748.22
Interest:	\$ 76,748.12
Cost:	<u>\$ 23,906.00</u>
Total:	\$ 601,617.13

Distribution of Collection to Levying Authorities:

State:	\$ 2431.74
County:	\$ 122,464.11
City of Hinesville:	\$ 19,011.90
Hospital:	\$ 24,929.80
School:	\$ 154,406.58
Ind. Auth.	\$ 19,435.49
Solid Waste:	\$ 126,534.67
Penalty:	\$ 31,748.22
Interest:	\$ 76,748.12
Cost:	<u>\$ 23,906.00</u>
Total:	\$ 601,617.13

**Grand Total Collected and Distributed for
Real and Personal Property Taxes, Mobile Homes, Timber Taxes and
Heavy Equipment:**

State:	\$ 264,125.04
School:	\$ 16,055,460.70
County:	\$ 12,190,474.06
Ind. Authority:	\$ 2,074,580.21
Hosp. Authority:	\$ 3,182,926.35
City of Hinesville:	\$ 5,038,623.07
Solid Waste:	\$ 979,225.76
Penalty:	\$ 308,740.94
Interest:	\$ 471,916.20
Cost:	<u>\$ 118,311.15</u> (To various vendors)
Total:	\$40,684,383.48

Motor Vehicles:

Total Fees to County:	\$ 219,856.45
Total to DMV (to the State)	\$ 2,162,141.33
Total to Levying Authorities:	<u>\$ 3,533,677.42</u>
Total for all services:	\$ 5,915,675.20

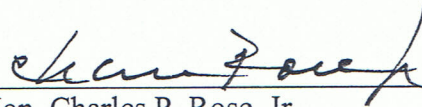
Distribution of Collection to Levying Authorities:

	<u>Ad Valorem Amount</u>	<u>Commission</u>	<u>Penalty</u>	<u>Net Tax</u>
State:	\$ 23,114.45	(1149.76)	-	\$ 21,964.69
County:	\$ 1,142,408.54	-	\$ 76,705.19	\$ 1,219,113.73
Hinesville:	\$ 459,328.13	(8983.44)	-	\$ 450,344.69
Hospital:	\$ 280,972.38	-	-	\$ 280,972.38
School:	\$ 1,442,596.27	(36,065.01)	-	\$ 1,406,531.26
Ind. Auth.	\$ 184,914.57	-	-	<u>\$ 184,914.57</u>
Total:	\$ 3,533,334.34	(46,198.21)	\$ 76,705.19	\$ 3,563,841.32

ORDER FOR FILING AND PUBLICATION OF GRAND JURY PRESENTMENTS

The above and foregoing presentments of the Grand Jury for the February Term, 2009, of the Superior Court of Liberty County having been presented to the Court, it is hereby ordered that said presentments shall be filed by the Clerk of Superior Court and published in the legal organ of said county in the manner provided by law for legal advertisements.

So ordered on this 09th day of September 2009

A handwritten signature in cursive script, appearing to read "Charles P. Rose, Jr.", written over a horizontal line.

Hon. Charles P. Rose, Jr.
Judge of Superior Court,
Atlantic Judicial Circuit of Georgia