

**Chief Local Elected Officials Meeting  
Forrest Hills Mountain Resort & Conference Center  
October 30, 2014**

MINUTES

The Chief Local Elected Officials (CLEOs) met on Thursday, October 30, 2014, 5:30 p.m. at Forrest Hills Mountain Resort and Conference Center in Dahlonega, Georgia.

CALL TO ORDER

Chairman Mike Berg called the meeting to order and thanked everyone for attending. A quorum was established. The following members were present:

Members Present and County

Mike Berg, Chairman (Dawson County)  
Brian Tam for Pete Amos (Forsyth County)  
Thomas Bridges (Franklin County)  
Chris Dockery (Lumpkin County)  
Jim Bleckley for Greg James (Rabun County)  
Dean Scarborough (Stephens County)  
Mike Melton for Travis Turner (White County)

GMRC Staff Present

W. Danny Lewis, Executive Director  
Peggy Lovell, Executive Assistant  
John Phillips, WD Director

Others

Kevin Tallant, GMRC Counsel  
Sam Norton, GMRC Council Chairman

BYLAWS

Chairman Berg informed the Board that this meeting was scheduled to address the adoption of CLEO Bylaws and election of officers. The CLEOs meet on an as needed basis and has not met since January 2013. During this year's Workforce Development (WD) Audit, it was determined that the CLEO Bylaws had not been approved or adopted. The auditors will be meeting with the Danny Lewis, GMRC Executive Director and John Phillips, WD Director tomorrow afternoon to make determinations from the audit findings. At that time, they would have the approved CLEO Bylaws.

The Bylaws had previously been emailed to Legal Counsel and the Board for their review. Mr. Lewis stated that the auditors had pointed out five points that needed to be included in the Bylaws. He referred to each of these points in the Bylaws.

Chairman Berg stated that he had three concerns in the Bylaws that he wanted Counsel to review and give clarity on. Those being the number of CLEO Board Members, the terms of the officers, and the issue of those that are serving on this Board and new positions on the Board could be County Commission Chairs and/or Mayors. The Board is made up of 13 members one from each county. This is addressed in the new Bylaws. Chairman Berg stated that in the past he had read the Federal Guidelines and understood that the counties were responsible for any underages that had occurred with the WD. None have occurred since Georgia Mountains has took over WD. But there could be an opportunity when through some fault not of our own, that WD spent more money than they had and then the counties would be responsible for that difference. This has always been the case, but in light of how these Board Members are now appointed, you might have city officials that are voting on counties spending money that cities don't spend.

Kevin Tallant, Legal Counsel spoke on the issues that Chairman Berg had pointed out. Mr. Tallant stated that he had examined some of the assumptions that have been made for a long time, which is that the county is responsible for any underages. He researched and read through The U.S. Code, The Code of Regulations, and the Georgia Statutory Law. It is the GA Statutory Law that is causing some of the changes that we have had to make. The 2013 Act had some different language in it that we cannot get around the possibility of having a mayor sit on this Board. Chairman Berg's concern was that you would have a county government making a decision for how much one of the cities might be liable for spending. Mr. Tallant researched this and spoke to the WD Office and decided that it is the government entity that has the possibility of being liable for underages. The local government entity is the local government that from which the person that is going to sit on this Board come from. The local government entity is defined as any political subdivision of the state that has the power to tax and spend money and to exercise general police powers. This is a city just as much as a county. In the event there was a liability for an underage it does not flow to the county but to the local government entity that the CLEO member represents. If a County Commission Chairman chooses not to serve on the CLEO Board, then a mayor from within that county would be allowed to serve. Chairman Berg stated that before any person is placed on this Board they need to know what they are responsible for. Mr. Tallant informed the Board that nowhere does the law state that it is the County's responsibility, it says that it is the CLEO that is responsible. What the CLEO is responsible for is misuse of funds, not a budget short fall.

Mr. Lewis stated that the Auditors also requested yesterday afternoon that the CLEO Board approve the Whistleblower Policy. The auditors were told that it had been sent to Mr. Tallant to be reviewed, but the Board would not have time to review it and be able to vote on it at this meeting. Chairman Berg stated that the Whistleblower Policy is a standard Policy that all the CLEOs should be familiar with. Mr. Tallant said that he had reviewed it and did not see any problem with the Policy.

Chairman Berg called for discussion. There being none, a motion was made by Dean Scarborough to approve the Bylaws with the addition of the Whistleblower Policy. Brian Tam seconded and motion carried unanimously.

#### ELECTION OF OFFICERS

Chairman Berg asked the Board to elect officers at this meeting to avoid having to have a meeting in January for that purpose. The current officers are Mike Berg, Chairman; Lamar Paris, Vice Chairman; and Travis Turner, Secretary. The new Bylaws only call for Chairman and Vice Chairman as officers. The CLEO officers can serve for two terms of two years each. The floor was opened for nominations. Chris Dockery nominated Mike Berg as Chairman and Lamar Paris as Vice Chairman. Nomination was seconded by Brian Tam and vote was unanimous.

#### ADJOURNMENT

The meeting was adjourned at 5:55 p.m.

  
\_\_\_\_\_  
Mike Berg, Chairman

# WHISTLEBLOWER

A whistleblower as defined by this policy is an employee, vendor, consultant, and/or contractor of Georgia Mountains Regional Commission (GMRC) who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor, the Ethics Officer, Executive Director, or Human Resources Supervisor. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The GMRC will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse action such as termination, compensation decreases, or poor work assignments and threats of physical harm. A vendor, consultant, or contractor shall also be extended protection from retaliation in the form of adverse action, as to the extent, the level of expectation from the contract is maintained.

Any whistleblower who believes he/she is being retaliated against should contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Ethics Officer who is responsible for investigating and coordinating corrective action.

Employees, vendors, consultants, and/or contractors with any questions regarding this policy should contact Human Resources.

**Policy Approved by CLEO Board  
October 30, 2014**

