



REGULAR MEETING

May 02, 2022
10:00 AM

Albany-Dougherty Government Center
222 Pine Ave, Room 100, Albany, GA 31701

AGENDA

To comply with the request set forth by the Chairman of Dougherty County, GA and the guidelines of the Center for Disease Control (CDC) regarding the Coronavirus (COVID19) pandemic and social distancing, face coverings (masks) are optional for all meeting participants.

The public will also have access to the live meeting by accessing the Dougherty County Georgia Government Facebook page at facebook.com/Dougherty.ga.us or viewing the public government access channel (Channel 16).

1. Call the meeting to order by Chairman Christopher Cohilas.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.
5. Minutes.
 - a. Consider for action the Minutes of the April 4th Regular Meeting and April 11th Work Session. **ACTION:**
6. Delegations (*The Commission will hear comments on those items pertaining to Dougherty County for which a public hearing has not been held or scheduled. Please be brief, to the point, and considerate of time for others.*)
 - a. Dana Glass, CEO of Aspire Behavioral Health and Developmental Disability Services, present to provide an update on services.
 - b. Frank Wilson, Albany Dougherty Juneteenth Committee Representative, present to discuss plans for the 2022 Juneteenth Celebration Weekend and to petition for County sponsorship.

7. Purchases.
 - a. Consider for action the recommendation to accept the quote for the repair design of the existing structure for the Radium Springs Water Tower from TAE, Inc. (Raleigh, NC) in the amount of \$15,000. This recommendation will be Phase 2 of the project. Funding will be provided by the Special Services District. **ACTION:**
 - b. Consider for action the Resolution providing for acceptance and execution of the contract to accept the bid to provide Drainage Improvements for Dougherty County Public Works from Jim Boyd Construction (Albany, GA) in the amount of \$196,595.60 subject to execution of the contract by the County Administrator. Funding is budgeted in SPLOST VII. **ACTION:**

8. Additional Business.
 - a. Consider for action the proposed Board Appointment. **Appointments are made by nominations.**

Keep Albany Dougherty Beautiful- One (1) appointment with a three-year unexpired term ending December 31, 2024. KADB recommends the appointment of Simon T. Abela to replace Joanne Conger. **ACTION:**
 - b. Consider for action the Resolution providing for the approval and execution of an amendment to Dougherty County's Legal Services Agreement with the law firm of Blasingame, Burch, Garrard & Ashley, P.C. relative to the law firms pursuing all civil remedies against manufacturers of prescription opiates on Dougherty County's behalf. County Attorney Spencer Lee will address. **ACTION:**

9. Updates from the County Administrator.

10. Updates from the County Attorney.
 - a. Discussion relative to Dougherty County, Georgia vs. 1000 Liberty Expressway SE, Dougherty Superior Court Civil Action File No. 21 CV 644 -3 (Complaint In Rem For Nuisance Abatement).

11. Updates from the County Commission.

12. Adjourn.

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Coordinator at 229-431-2121 promptly to allow the County to make reasonable accommodations for those persons.

DOUGHERTY COUNTY COMMISSION
REGULAR MEETING MINUTES

DRAFT

April 4, 2022

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on April 4, 2022. Chairman Christopher Cohilas presided and called the meeting to order at 10 a.m. Present were Commissioners Victor Edwards, Russell Gray, Gloria Gaines, Anthony Jones and Ed Newsome. Also present were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, Deputy County Clerk Bristeria Hope and other staff. The public and representatives of the media participated in person and via live streaming of the meeting on the County's Facebook page and the government public access channel. Commissioner Clinton Johnson was absent.

After the invocation and Pledge of Allegiance, the Chairman called for approval of the minutes for the March 7th Regular Meeting, March 14th Work Session and March 14th Special Called Meeting.

Commissioner Jones moved for approval. Upon a second by Commissioner Newsome, the minutes were unanimously approved.

The Chairman called for consideration to purchase six pursuit utility vehicles from Wade Ford (Smyrna, GA) in the amount of \$33,667.80 each for a total expenditure of \$202,006.80. Three vendors submitted bids with two meeting specifications and the highest bid received was \$207,505.32. Funding is budgeted in SPLOST VII.

Commissioner Jones moved for approval. Upon a second by Commissioner Gray, the motion for approval passed unanimously.

The Chairman called for consideration to purchase fifty mobile radios for DCP from single source vendor Motorola Solutions (Albany, GA) in the amount of \$278,647.81. Parts are no longer available to repair aged inventory. Funding is available in the American Rescue Plan Act (ARPA).

Commissioner Jones moved for approval. Commissioner Newsome seconded the motion. Under discussion, Commissioner Gaines wanted to know if the single source vendor could negotiate or provide a discount to the County for purchases. Mr. McCoy said that he will follow up with the vendor. There being no further discussion, the motion for approval passed unanimously.

The Chairman called for consideration to purchase two 2022 F-350 Cab & Chassis with an Ambulance Prep Package and Patient Module from Wade Ford (Smyrna, GA) in the amount of \$158,289 each for a total expenditure of \$316,578. The purchase will be made from the State of Georgia Contract. Funding will be provided by SPLOST VII.

Commissioner Jones moved for approval. Upon a second by Commissioner Edwards, the motion for approval passed unanimously.

The Chairman called for consideration of the resolution providing for acceptance and execution of the contract to accept the bid for the carpet/cove base replacement for the Dougherty County Health Department from Continental Flooring Company (Scottsdale, AZ) in the amount of \$326,900 subject to execution of the contract by the County Administrator. Funding is budgeted in SPLOST VII.

Commissioner Jones moved for approval. Upon a second by Commissioner Edwards, the motion for approval passed unanimously. Resolution 22-017 is entitled:

A RESOLUTION
ENTITLED
A RESOLUTION PROVIDING FOR THE APPROVAL OF A
PROCUREMENT RECOMMENDATION FROM PUBLIC WORKS AND
EXECUTING A CONTRACT WITH CONTINENTAL FLOORING
COMPANY (SCOTTSDALE, AZ) FOR CARPET/COVE BASE
REPLACEMENT AT THE DOUGHERTY COUNTY HEALTH
DEPARTMENT FOR A TOTAL EXPENDITURE OF \$326,900;
REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN
CONFLICT HEREWITH;
AND FOR OTHER PURPOSES.

The Chairman called for consideration the acceptance of the quote to replace the air handler unit for the Dougherty County Health Department from RHC HVAC (Albany, Ga) in the amount of \$56,955.37. Funding is budgeted in SPLOST VII.

Commissioner Jones moved for approval. Upon a second by Commissioner Gray, the motion for approval passed unanimously.

The Chairman called for consideration of the resolution providing for acceptance and execution of the contract to accept the proposal for Dougherty County's On-Site Medical Services from CareATC (Tulsa, Oklahoma) in the amount of \$492,863.89 subject to execution of the contract by the County Administrator. The recommendation is for one year firm price contract with

three options to renew for an additional one-year term. The proposed cost for year two is \$514,170.39 and year three is \$534,150.10. Funding is available in the General Fund.

Commissioner Jones moved for approval. Commissioner Edwards seconded the motion. Under discussion, Mr. McCoy shared that the self-insured onsite clinic referenced was for County employees and this vendor will take over management and administration operations. There being no further discussion, the motion for approval passed unanimously. Resolution 22-018 is entitled:

A RESOLUTION
ENTITLED
A RESOLUTION PROVIDING FOR THE APPROVAL OF A
PROCUREMENT RECOMMENDATION PROVIDING FOR A CONTRACT
WITH CAREATC (TULSA, OKLAHOMA) TO PROVIDE ON-SITE
MEDICAL SERVICES ON BEHALF OF DOUGHERTY COUNTY HUMAN
RESOURCES DEPARTMENT FOR A TOTAL EXPENDITURE OF
\$492,863.89; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS
IN CONFLICT HEREWITH;
AND FOR OTHER PURPOSES.

The Chairman called for consideration of the resolution providing for acceptance and execution of the Professional Services Agreement between Dougherty County, GA and DCJ Global Management Solutions, LLC (Stockbridge, GA) in a not to exceed amount of \$157,500. This agreement is being entered in on behalf of Chief Superior Court Judge Willie Lockette to receive services of a grant administrator. In the January 24, 2022, Regular Meeting the Board accepted the Judicial Council of Georgia American Rescue Plan Act Funding Award in the amount of \$2,000,000. The stipulation of the award is to have a grant administrator. County Administrator Michael McCoy addressed. Mr. McCoy said that this is the group that Superior Court chose for their grant administrator.

Commissioner Jones moved for approval. Commissioner Newsome seconded the motion. Under discussion, Chairman Cohilas asked for more information on the recruitment strategies, current staffing levels, and filled positions. There being no further discussion, the motion for approval passed unanimously. Resolution 22-019 is entitled:

A RESOLUTION
ENTITLED
A RESOLUTION PROVIDING FOR THE APPROVAL AND EXECUTION
OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN
DOUGHERTY COUNTY, GEORGIA AND DCJ GLOBAL MANAGEMENT

SOLUTIONS, LLC PROVIDING FOR DOUGHERTY COUNTY JUDICIAL
GRANT MANAGEMENT AND ADMINISTRATIVE SUPPORT
RELATIVE TO A JUDICIAL GRANT FUND AWARD THROUGH THE
JUDICIAL COUNCIL OF GEORGIA; REPEALING RESOLUTIONS OR
PARTS OF RESOLUTIONS IN CONFLICT HEREWITH;
AND FOR OTHER PURPOSES.

The Chairman called for consideration of the resolution to adopt the amended and restated ACCG 401(a) Defined Contribution Plan for Dougherty County Employees. The effective date of the amended and restated Plan shall be January 1, 2022.

Commissioner Newsome moved for approval. Commissioner Jones seconded the motion. Under discussion, Chairman Cohilas said that he would ask Finance about offering this plan to high-level staff in the future. ACCG Retirement Services Regional Client Manager Ron Rowe informed the Board that this is a senior management plan for Dougherty County, but ACCG will administer it and said that the “senior management” should be included in the agenda wording. Chairman Cohilas amended the motion and reread the agenda item by adding the suggested words as follows: The Chairman called for a resolution to adopt the amended and restated “senior management” ACCG 401(a) Defined Contribution Plan for Dougherty County Employees. The effective date of the amended and restated Plan shall be January 1, 2022 “with zero participants.” Commissioner Newsome moved for approval. Upon a second by Commissioner Jones, the amended motion for approval passed unanimously. Resolution 22-020 is entitled:

A RESOLUTION TO ADOPT THE AMENDED AND
RESTATED ACCG 401(a) DEFINED CONTRIBUTION PLAN
FOR SENIOR MANAGEMENT EMPLOYEES OF
DOUGHERTY COUNTY.

Commissioner Edwards asked about the status of the information about the National Guard. Chairman Cohilas said that he met with the Mayor and asked that the County and consultant Ron Huffman be a part of the discussion. The Chairman also added that he would obtain more information from the Payroll Development Authority. Commissioner Jones asked for suggestions on ways the County could continue to recognize young people in the community especially during accomplishments. Chairman Cohilas asked that we work with DCSS Superintendent Kenneth Dyer on suggestions for student recognitions. Commissioner Jones also said that citizens in his district are still complaining about the store on Holly Drive and said that it needs to be demolished. The Chairman asked Mr. McCoy to reach out to Code Enforcement about this matter.

There being no further business to come before the Commission, the meeting adjourned at 10:45 a.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

DOUGHERTY COUNTY COMMISSION
WORK SESSION MEETING MINUTES

DRAFT

April 11, 2022

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on April 11, 2022. Chairman Christopher Cohilas presided and called the meeting to order at 10:00 am. Present were Commissioners Victor Edwards, Gloria Gaines, Russell Gray, Clinton Johnson, Anthony Jones and Ed Newsome. Also participating in the Chamber were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, County Clerk Jawahn Ware and other staff. The public and representatives of the media participated in person via live streaming of the meeting on the County's Facebook page and the government public access channel.

The Chairman asked the Commission to review the minutes of the March 21st Regular Meeting and March 28th Work Session.

The Chairman recognized Extension Service Coordinator James Morgan to update the Commission with the quarterly report. Mr. Morgan shared keynotes and said that they were awaiting approval of the new curriculum to include Teen Cuisine with the Dougherty County School System. He added that Family and Consumer Sciences Agent Suzanne Williams was transferred to Colquitt County but was still able to assist citizens in completing their income taxes.

The Chairman recognized City of Albany Interim Assistant Manager, Utilities Administration, Yvette Fields to address mandatory prebids. Ms. Fields shared that mandatory prebids have a purpose and place but are normally held only for complicated cases. She added that most cases [for the County] do not require mandatory prebids and provided cons for doing so from her 28 years of experience. She supports the recommendation from the National Institution of Government Purchasing (NIGP) to not have mandatory prebids for non-complicated bids. Commissioner Gaines shared that her focus is to increase the number of minority contractors. Ms. Fields provided the recruiting efforts and support provided currently and in the past that are geared toward this sector of interest. Commissioner Edwards added that his stance is that mandatory prebids should alleviate questions later [in the process]. He stated that he would like a specific dollar amount for bids [to have a mandatory conference]. Commissioner Jones commended Ms. Fields and her staff on work done, specifically for a recent issue of vendor not in compliance.

The Chairman called for a discussion to accept the quote to upgrade the sleeping quarters at the Antioch Fire Station from Beck Glass & Mirror (Camilla, Ga) in the amount of \$22,350. Two vendors submitted quotes with the highest received being \$36,500. Funding is budgeted in SPLOST VII. Assistant County Administrator Scott Addison addressed. Facilities Management Director Heidi Minnick was present.

The Chairman called for a discussion from Superior Court to apply for a grant from the Criminal Justice Coordinating Council in the amount of \$258,000. The grant will provide services for the mental health treatment program and fund the salary for two full time employees. There is a local match of \$31,000 and funding will be provided from the DATE fund. Dougherty Superior Court Judge Victoria S. Darrisaw and Substance Abuse Coordinator Patricia Griffin addressed. Judge Darrisaw thanked the Commission for their continued support.

The Chairman called for a discussion from Juvenile Court to apply for the annual Criminal Justice Incentive Grant Program in the amount of \$450,000 for Functional Family Therapy use. This is a 100% grant with no local match. Judge Ingrid Driskell addressed. Judge Driskell shared that due to Covid, \$100,000 of the funds were reverted last year and added that Juvenile Court will begin to host in person sessions on April 20th.

The Chairman called for a discussion to approve the FY 2023 Contract between the Board of Regents of the University System of Georgia on behalf of the UGA Cooperative Extension Service and Dougherty County Board of Commissioners. The contract is for the salary, retirement and Social Security and Medicare costs for five County Extension Agents for the fiscal year. County Administrator Michael McCoy addressed. Mr. McCoy said that this was administrative housekeeping that is done annually and recommended approval.

The Chairman called for a discussion to approve the alcohol application from PrettyPupilz Smoke Lounge, LLC., Beverly Blackshear-Smith licensee, dba Rozebudz Lounge and Cafe, at 1900 Liberty Expressway for Consumption-Liquor, Beer and Wine. The Albany-Dougherty Marshal's Office recommended approval. Chief Deputy Anthony Donaldson, Code Enforcement Department, addressed.

The Chairman called for a discussion to approve the Memorandum of Agreement with Albany Technical College on behalf of the Dougherty County Sheriff Office authorizing assistance to each other during a local emergency. Chief Deputy Terron Hayes addressed.

The Chairman called for a discussion from the Coroner to adjust the transport services budget for FY22 from \$25,650 to \$46,194. Coroner Michael Fowler addressed. Mr. McCoy shared that the request is recommended for approval.

There being no further business to discuss the Commission the meeting adjourned at 10:45 a.m.

CHAIRMAN

ATTEST:

COUNTY CLERK



TAE, Inc.
4917 Professional Court
Suite 105
Raleigh, NC 27609
Phone: 919.871.0744 Fax: 919.871.0345

April 17, 2022

Mr. Jeremy Brown, PE
Dougherty County Board of Commissioners
Public Works Engineering Department
2038 Newton Rd
Albany, GA 31701

RE: Proposal for Engineering Services
Repair Design for Existing Structure
Radium Springs Water Tower

Dear Mr. Brown:

TAE appreciates the opportunity to submit this proposal to provide additional engineering services for the above referenced site. The Phase 1 Condition Assessment Report by our office dated 03/24/2022 noted several deficiencies that have compromised the tower's structural integrity and immediate repairs to the foundations were recommended. We understand you want to proceed to Phase 2 which includes designing these repairs.

We propose the following Phase 2 Scope of Services:

- Design and detail repairs to the structure to address the immediate concerns of the cracked foundations and the excessive leg corrosion as noted in the above mentioned Condition Assessment Report.
• Details for repairs to the other miscellaneous structural elements noted in the report will be included.
• Retain a sub-consultant to provide a geotechnical report. This report will provide site specific soil properties for use in designing the new foundation repairs.
• Retain a sub-consultant to provide a foundation mapping. This mapping will provide useful information of the type, size, and depth of the existing foundation which could impact the design of the foundation repair.
• Provide a Final Structural Report with plans and details of the recommended repairs

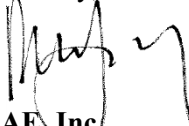
We propose to provide the above Phase 2 Scope of Services for a lump sum fee in accordance with the below breakdown:

Table with 2 columns: Service Category and Amount. Rows include Geotech (\$4,500), Foundation Mapping (\$4,500), Structural Repairs Design/Details (\$6,000), and Total (\$15,000).

If you agree with this proposal please sign below and email this signed proposal back to our office.

We appreciate the opportunity to provide this quote to you. Should you have any questions, or need additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,



TAE, Inc
Richard T. Talley, PE

Proposal Accepted by: _____ Date: _____

CONDITION ASSESSMENT REPORT

for

DOUGHERTY COUNTY, GA

Radium Springs Water Tower

March 24, 2022



TAE, Inc.

4917 Professional Court
Suite 105
Raleigh, North Carolina 27609
Phone: 919-871-0744 Fax: 919-871-0345



TAE, Inc.
4917 Professional Court
Suite 105
Raleigh, NC 27609
Phone: 919.871.0744 Fax: 919.871.0345

March 24, 2022

Mr. Jeremy Brown, PE
Dougherty County Public Works
2038 Newton Rd
Albany, GA 31701

RE: Condition Assessment Report
Radium Springs Water Tower
110 Camellia Road
Albany, GA
TAE Project 22507-02

Dear Mr. Brown:

In accordance with your request TAE, Inc. has completed a condition assessment of the above referenced water tower structure. Included in the attached report are our methods of investigation and summary of findings.

We appreciate the opportunity to perform this service for you. Should you have any questions, or need additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

TAE, Inc.
Richard T. Talley, PE



PURPOSE:

Mr. Jeremy Brown, PE with the Dougherty County Public Works requested TAE, Inc. perform a condition assessment inspection at the Radium Springs Water Tower to help determine if the structure is salvageable after years of neglect and storm damage.

PROJECT DESCRIPTION:

The Radium Springs Water Tower is an approximately 72-ft multi-leg structure located at 110 Camellia Rd in Albany, Georgia. The manufacturer and age of the structure are unknown.

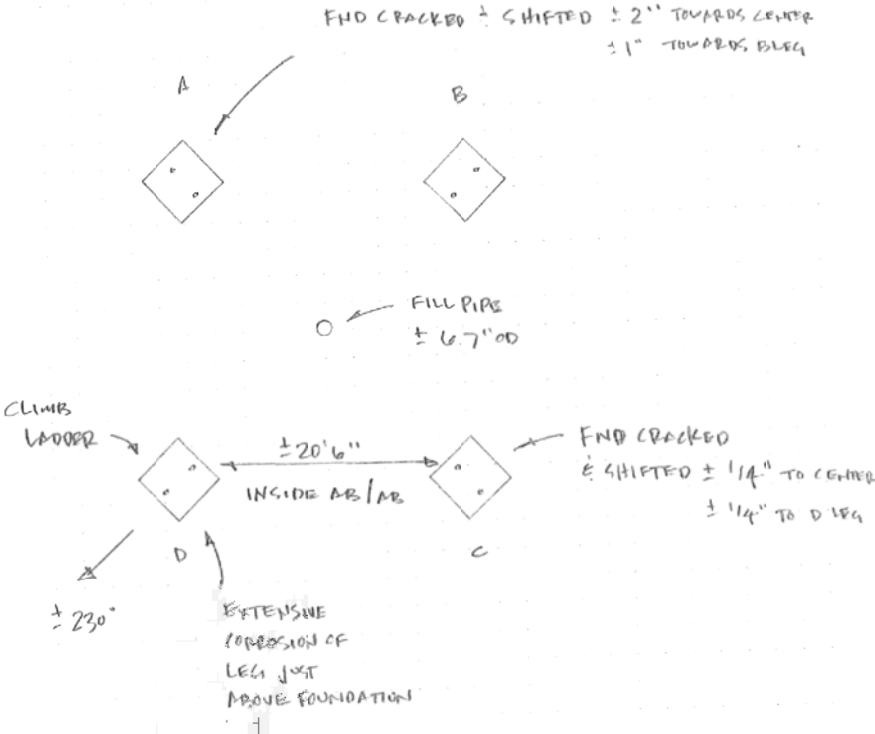
We understand from correspondence with you that the structure sustained damage during two major storm events - the 2017 tornado and the 2018 hurricane.

FINDINGS:

TAE personnel performed a site visit on March 14, 2022 to visually observe the condition of the structure from the ground and on the tower. Our Field Notes are attached in Appendix A and our Photographs are included in Appendix B.



1. For reference purposes the leg closest to North is indicated in our field notes as "A" and continues clockwise to "D"



- 2. The vegetation around the tower has been cleared on two sides to provide access to the site. There is excessive vegetation under the tower, around the legs, and along the other sides of the structure.



- 3. Legs A, B, and C have vegetation climbing up the structural members



- 4. The foundation at Leg A has a severe crack and has shifted. The crack continues completely through the pier. The crack width varies from 1"-2" and occurs approximately 18" below the base plate. The portion of foundation above the crack has shifted approximately 2" relative to the bottom portion in the direction of Leg B. We did not observe any vertical reinforcing bars in the portion of the foundation that is now exposed through the crack opening.



- 5. The foundation at Leg C has a much smaller crack and has also shifted. The crack continues completely through the pier. It is roughly 1/8" wide and occurs approximately 12"-14" below the base plate. The portion of foundation above the crack has shifted approximately 1/4" relative to the bottom portion in the direction of Leg D.



- 6. The bottom of Leg D has excessive corrosion resulting in a complete loss of section. The location of this excessive corrosion is limited to the bottom 16” of the double channel tower leg member.



7. Excessive pitting and corrosion at each of the tower leg base plates



8. All structural members of the tower have corrosion. The extent of the corrosion varies. The bottom of the tower legs are the worst with complete loss of section in some members. The higher up members on the tower are not as severely corroded as the base. The corrosion condition lessens with mostly pitting and surface rust.



9. Missing bolts and rivets in various locations.



10. Bent x-brace diagonal in the bottom bay



11. Bent and deformed roof members



CONCLUSIONS:

Based on our field observations the structural integrity of water tower has been compromised in three locations and is in need of immediate repair. The two foundations that have cracked and shifted are no longer able to provide the required resistance to support the loads acting on the structure. The excessive corrosion resulting in loss of section at the bottom in the D leg member should also be repaired immediately.

Other than those three critical areas, the majority of the tower's structural members have incurred some deterioration and damage due to corrosion, but not to the point of compromising the structural integrity.

Installing a new foundation that bypasses the existing can be designed which would address the three critical areas. Replacing bent members, missing bolts, damaged connections, and other such repairs can be made to the rest of the structural members of concern.

DISCLAIMER:

The information contained in this report is based on and limited to those portions of the structure observed during our March 14, 2022 site visit that were accessible during our climb.

No calculations have been made to determine the adequacy of the structure in its current compromised condition to support the existing loads for compliance with the GA State Building Code.

**A RESOLUTION
ENTITLED
A RESOLUTION PROVIDING FOR THE APPROVAL AND ACCEPTANCE OF A BID FROM JIM BOYD
CONSTRUCTION (ALBANY, GA) IN THE AMOUNT OF \$196,595.90 FOR THE PURPOSE OF
PROVIDING DRAINAGE IMPROVEMENTS AS SPECIFIED BY DOUGHERTY COUNTY PUBLIC
WORKS; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN
CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Dougherty County, Georgia is desirous of approving and accepting a bid from Jim Boyd Construction (Albany, GA) in the amount of \$196,595.60 for the purpose of providing drainage improvements as specified by Dougherty County Public Works.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by Authority of same as follows:

SECTION I The attached bid from Jim Boyd Construction (Albany, GA) in the amount of \$196,595.60 for the purpose of providing drainage improvements as specified by Dougherty County Public Works is hereby accepted and the County Administrator of Dougherty County is hereby authorized to sign any and all documents including a contract with Jim Boyd Construction (Albany, GA) necessary for full implementation of said bid.

SECTION II All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

This the 2nd day of May, 2022.

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: _____
Christopher S. Cohilas, Chairman

ATTEST:

County Clerk



PROCUREMENT RECOMMENDATION

DATE: April 28, 2022

TITLE: DOCO Drainage Improvements

DEPARTMENT: DOCO Public Works

REFERENCE NUMBER: 22-057

ACCOUNT NUMBER: SPLOST VII – Stormwater Improvements

OPENING DATE: April 12, 2022

BUDGETED AMOUNT: \$203,000.00

BUYER: Kimberly M. Allen

DEPARTMENT CONTACTS: Jawahn Ware

Joshua Williams
Joshua Williams, Interim Procurement Manager

RECOMMENDATION:

Recommend contracting with **Jim Boyd Construction of Albany, Georgia** to provide Drainage Improvements for DOCO Public Works for a total expenditure of **\$196,595.90.**

BACKGROUND INFORMATION:

Bid Ref. #22-057 was advertised in the local paper, on the local access channel, and on the Georgia Procurement Registry. The bid opening was April 12, 2022. Four (4) contractors submitted a bid.

The Scope of this project is to furnish all labor, materials and equipment necessary to provide for stormwater drainage improvements at four different locations throughout Dougherty County. Project involves installation of approximately 620 LF of storm drain piping, 3 headwalls, 8 drainage structures, one flap gate, grading and associated riprap, erosion control with all related accessories as shown on the plans and called for in the specifications. The locations are Wildflower Lane Outfall, Dale Dive Ditch, Newcomb Road Outfall and Roxanna Road Ditch.

Jim Boyd Construction was the lowest responsive and responsible bidder. The contract time for this project is ninety (90) calendar days. Jeremy Brown, Project Engineer, and Chuck Mathis, Public Works Director, concur with this recommendation.

COUNTY ADMINISTRATOR ACTION:

APPROVED

DISAPPROVED

HOLD

DATE

COUNTY ADMINISTRATOR

List of documents attached:

- Bid Tabulation
- Detailed Bid Tabulation



2106 Habersham Road
P.O. Box 4868
Albany, Georgia 31706

MEMO

TO: Dougherty County Board of Commissioners
FROM: Judy Bowles, Executive Director
DATE: April 11, 2022
RE: Board Appointment

This memo is to request the appointment of Mr. Simon T. Abela, Environmental Engineer with Molson Coors to the Keep Albany-Dougherty Beautiful Board of Commissioners. We are requesting that Mr. Abela fulfill the appointment of Ms. Joanne Conger who has taken another position with Molson Coors. Ms. Conger's term expires on December 31, 2024.

Thank you for your consideration of this request.

Mr. Simon T. Abela
Molson Coors
194 Larkspur Dr.
Albany GA 31721

JWB/ll

Simon T. Abela

EHS Professional

abelasimon@gmail.com • (641) 821-9018
Albany, GA 31721

Dedicated, passionate, EHS Manager offering over 25 years of experience domestically and abroad for globally renowned organizations. Skilled at: developing safety and environmental programs, offering technical assessments, and ensuring regulatory compliance. Proficient at: facilitating permits, conducting training initiatives, and conducting comprehensive audits. Excel at: time management, organization, prioritization, and communication with colleagues and clients.

Areas of Expertise

- | | | |
|-------------------------------|---------------------------------|--------------------------|
| ◆ Emergency Response Plans | ◆ Industrial Engineering | ◆ Solid Waste Management |
| ◆ Hazardous Waste | ◆ ISO 140000 & ISO 18000 | ◆ Process Improvement |
| ◆ Air Pollution | ◆ In-Situ & Ex-Situ Remediation | ◆ Program Enrichment |
| ◆ Clean Air Act (CAA) Title V | ◆ MACT, CERCLA, & TSCA | ◆ Radiation Safety |
| ◆ OSHA | ◆ NEPA & RCRA | ◆ HCAPP |

Professional Experience

Molson Coors, Albany, GA Environmental & Sustainability Engineer

08/2021 – Present

Cultivate relationships with industry leaders, consultants, and federal and state government agencies. Ensure compliance with applicable air quality, water quality, solids, and hazardous waste. Conduct process training that encompasses policies and procedures in the field. Contribute to the overall safety of the corporate Environmental Management Program.

- Design new applications and treatment methods.
- Discover new technologies and conduct field testing.
- Collaborate with professionals from water testing to field operations.
- Draft Spill Prevention, Control, and Countermeasure (SPCC) plans and technical reports.
- Generate Emissions Inventory, TIER II Reports, and Toxic Release Inventory.
- Engage and resolve issues on behalf of clients with state and federal regulators.
- Oversee and develop methods to improve solid waste management.
- Assure organizational safety and environmental standards are achieved at plant levels.
- Assist with personnel planning and assignments.
- Guide SPCC plans and prepare for monthly and quarterly inspections.
- Inspect plant facilities for potential accidents, health hazards, and environmental issues.
- Introduce corrective measures to rectify issues, as necessary.
- Appointed Radiation Safety Officer.

PIMA Environmental Project Manager (Contract)

03/2021 – 05/2021

Collected, analyzed, reported ecological data comprised of plant taxonomy, protected terrestrial and aquatic animal species, soil conditions, and hydrology indicators related to establishing boundaries of protected resources. Additionally, orchestrated and led project field efforts.

- Offered senior-level oversight, review, and interpretation of data as part of ongoing investigations, mitigating strategies, or project monitoring.
- Communicated scientific and technical information to the team.

Compliance Management International
EHS Professional (Contract)

05/2021 – 06/2021

Recruited to lead the overhaul of the Environmental Health and Safety Program for the facility. Revised LOTO and Fall Protection Programs and achieved regulatory compliance.

- Executed detailed audits and inspections. Subsequently offered information regarding corrective actions.

Rembrandt Foods
EHS Manager

08/2019 – 11/2020

Assessed practices, identified areas in need of improvement, and introduced systems to reduce workplace safety risks and minimize environmental impact. Integrated a Process Safety Management (PSM) program and introduced Behavior based safety methods. Conducted audits, inspections, and analysis of processes before determining corrective actions.

- Facilitated permits, leveraged knowledge of OSHA, and offered overall facility support.
- Maintained expansive knowledge regarding occupational health, safety, and worker's compensation systems.
- Conducted detailed training regarding combustible Dust, Hazard, LOTO, and Fall Protection.
- Credited with reducing reportable injuries from 14 (5-year average) to 3 non-reportable incidents.
- Contributed to capital planning and equipment installation for the food manufacturing unit.

DynaChen
EHS Manager

11/2018 – 06/2019

Offered exceptional guidance to supervisors and managers regarding EHS measures. Assessed areas of risk and developed safe work practices through efficient management systems. Additionally, offer overall facility support on a continuous basis.

- Introduced methods to developed and document corrective actions.
- Commended for introducing a Process Safety Management program that reduced recordable injuries by 30%.
- Identified waste and developed disposal methods in accordance with regulations.

SAPEC-ECO LLC, TX
EHS Engineer

2008 – 2012 & 2013 – 2019

Engaged with businesses in a variety of sectors, offered advice on Health and Safety programs, and provided guidance how to upgrade practices. Consulted with clients regarding facility support, obtaining permits, and integrating corrective actions to augment safety measures. Additionally, managed ISO 14000 and ISO 18000 standards.

- Supervised and introduced strong Process Safety Management (PSM) program.
- Installed the Emergency Action Plan (EAP) and Integrated Contingency Plan (ICP) for the facility.
- Contributed to the development of Spill Prevention, Control, and Countermeasures (SPCC).
- Developed Risk Management Plans based on the needs of each organization.
- Assessed cost proposals, analyzed results and approved remediation expenditures in in-situ and ex-situ.

**Chesapeake Energy, Woodward, OK
WHS Specialist (Air)**

01/2013 – 10/2013

Recognized as the Designated Air Representative and served as a member of the EHS team offering vital support to spill response and SPCC inspections. Procured air emission permits, standard permits, and Title V permits. Demonstrated the ability to effectively lead team members while achieving all milestones and deadlines.

- Developed compliance demonstration and documentation methods.
- Improved the application review process as well as the accuracy of documentation.
- Offered comprehensive advice regarding the revision of rules, regulations, and policies.
- Conveyed imperative data and statistics to the Air Manager.
- Drafted management plans to quell air pollution from stationary sources including Benzene, Carbon Monoxide (CO), Nitrogen Oxides (NOx)/Nitrogen Dioxide (NO₂), Ozone (O₃), PM₁₀, PM_{2.5}, and Sulphur Dioxide.

**URS Corporation, Panama City, FL
Incident Commander & Manager (Contract), Secret Clearance**

01/2010 – 03/2011

Directed remediation and emergency response plans for multiple sites on behalf of this fully integrated engineering, construction, and technical services company. Supervised hazardous waste operations including: training, QA audits, response strategies, and decommissioning projects for multiple wastewater treatment facilities. Inspected finished worked, forged contract relations, and generated comprehensive estimates. Crafted service plans, budgets, and clean-up estimates for soil excavation, in-situ remediation, and hazardous waste identification.

- Led four US and non-US Emergency Response Clean Teams.
- Oversaw procurement of materials and performance of contractors and subcontractors.
- Tracked facility-wide “cradle to grave” waste generation, storage, and disposal.
- Visited customer sites, assessed issues, and offered proactive solutions that achieved resolution.
- Entrusted with environmental projects with budgets of greater than \$5M. Projects included removing above-ground storage tank and excavating/installing fuel tanks.

**RMS/IAP Worldwide Services, Iraq/Kyrgyzstan/Spain/Qatar
Project Manager & Incident Commander (Contract), Secret Clearance**

06/2005 – 03/2008

Supervised a large team of Emergency Response Clean Team members as well as 60 subcontractors on behalf of this globally renowned organization. Directed remediation and removal of toxic and hazardous materials from soil and water. Crafted safety plans, led training programs, and prepared PPE tailored specific roles. Selected as a Subject Matter Expert (SME) in regard to permitting, compliance, budgeting, cost reduction, and regulatory requirements. Developed work plans, budgets, and estimates for identification and remediation activities.

- Led environmental program support for the Base Realignment and Closure (BRAC) across Iraq.
- Oversaw health and safety performance for the entire region.
- Created injury-free, sustainable workplaces, and removed hazardous conditions with corrective action.
- Remediated contaminated soil and ground water utilizing Biological and Chemical redux BTEX.
- Supervised environmental remediation of CERCLA hazardous substances, munitions, radiological, lead-based paint, asbestos, and petroleum.

Additional Experience

Tolunay-Wong Enterprises Inc., Field Project Engineer (Contract), Houston, TX, 2008 - 2009

AFS Spain, Moron AFB Spain, Chief of Environmental, 2008 - 2009

RMS IAP Worldwide, Environmental Engineer, Al Udeid & Manas, AB, 2005 - 2008

KBR Halliburton, EHS Coordinator, Iraq, 2004 - 2005

Education

Master of Science in Occupational Safety & Health & Environmental Management

Columbia Southern University, Orange Beach, AL

Bachelor of Science in Environmental Engineering

Columbia Southern University, Orange Beach, AL

Professional Training & Development

HCAPP Certification – Hazard Analysis and Critical Control Points Food Safety Training

OSHA – 510 OSHA Standards for the Construction Industry

Permit Required Confined Space Standard, OSHA 7300

Evacuation & Emergency Planning, OSHA 7105

Introduction to Machinery & Machine Safeguarding, IS-OSH 714-4

Emergency Response to Hazardous Materials Incidents, HAZWOPER

30-hour General Industry Training Course

Publications

Air/Water Harvesters Operated with Renewable Energy, Oct. 2014 Commonwealth Environmental Investment Partner.
CEIP-United Kingdom

The Impact of New Wind Technology on Birds & Bats Population, Regenedyne LLC., Sept. 2014

Spatially-Explicit Structural Approaches to Measuring Hazard/Risk Assessment, Vulnerability, and Resilience, Mar. 2015,
Journal of Geography and Natural Disaster UK.

Professional Affiliations

Associate Safety & Health Management (ASHM) Certificate Number - 5415A

Project Management Institute, PMI

Language Proficiencies

English, Italian, French, Maltese, & Spanish

**A RESOLUTION
ENTITLED**

A RESOLUTION PROVIDING FOR THE APPROVAL AND EXECUTION OF AN AMENDMENT TO DOUGHERTY COUNTY’S LEGAL SERVICES AGREEMENT WITH THE LAW FIRM OF BLASINGAME, BURCH, GARRARD & ASHLEY, P.C. RELATIVE TO THE LAW FIRMS PURSUING ALL CIVIL REMEDIES AGAINST MANUFACTURERS OF PRESCRIPTION OPIATES ON DOUGHERTY COUNTY’S BEHALF; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Dougherty County, Georgia is desirous of approving and executing an Amendment to Dougherty County’s Legal Services Agreement with the law firm of Blasingame, Burc, Garrard & Ashley, P.C. relative to the law firms pursuing all of Dougherty County’s civil remedies against manufacturers of prescription opiates.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by Authority of same as follows:

SECTION I The attached Amended Legal Services Agreement between Dougherty County, Georgia and Blasingame, Burch, Garrard & Ashley, P.C. relative to the law firms pursuing all civil remedies against manufacturers of prescription opiates on behalf of Dougherty County is hereby approved and the Chairman of the Board of Commissioners of Dougherty County is hereby authorized to execute same.

SECTION II All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

This the 2nd day of May, 2022.

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: _____
Christopher S. Cohilas, Chairman

ATTEST:

County Clerk

AMENDED LEGAL SERVICES AGREEMENT

RE: Dougherty County, Georgia civil suit against those legally responsible for the wrongful manufacture and distribution of prescription opiates and damages caused thereby.

1. SCOPE OF EMPLOYMENT: **Dougherty County, Georgia** (hereinafter "Client"), by and through its County Commission, hereby retains the law firm of Blasingame, Burch, Garrard & Ashley, P.C. ("the Firm") pursuant to the Georgia Rules of Professional Conduct and O.C.G.A. § 36-1-3, on a contingent fee basis, to pursue all civil remedies against the manufacturers of prescription opiates and those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing **Dougherty County, Georgia** including, but not limited to, filing a claim for public nuisance to abate, enjoin, recover and prevent the damages caused thereby. Henry G. Garrard, III of the law firm Blasingame, Burch, Garrard & Ashley, P.C. shall serve as Lead Counsel. Client authorizes Lead Counsel to employ and/or associate additional counsel, with consent of Client, to assist Lead Counsel in the just prosecution of the case.

2. ATTORNEYS' FEES: In consideration, Client agrees to pay to the Firm twenty-five percent (25%) of the total recovery (gross) in favor of the Client as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses and shall include the value of any abatement of the opioid epidemic as discussed more fully below. Client grants the Firm an interest in a fee based on the gross recovery. If a court awards attorneys' fees in the lawsuit filed by the Firm on behalf of Client, the Firm shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **There is no fee if there is no recovery.**

The Client acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this employment will preclude other employment by the Firm, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

This litigation is intended to address a significant problem in the community. The litigation focuses on the manufacturers and wholesale distributors and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion-dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Firm with reimbursement contingent upon a successful recovery. The outcome is uncertain, as is all civil litigation, with compensation contingent upon a successful recovery. Consequently, there must be a clear understanding between the Client and the Firm regarding the definition of a "successful recovery."

The Firm intends to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages and/or equitable remedies (e.g., an abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or recover the funds necessary to abate the health and safety crisis caused by the unlawful conduct of manufacturers and wholesale distributors. The Client agrees to compensate the Firm, contingent upon prevailing, by paying 25% to the Firm of any settlement/resolution/judgment, in favor of the Client, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, Client agrees to pay 25% of the gross amount to the Firm as compensation and then reimburse the reasonable litigation expenses. If the remedy is in the form of equitable relief (e.g., abatement fund), Client agrees to pay 25% of the gross value of the equitable relief to the Firm as compensation and then reimburse the reasonable litigation expenses. To be clear, the Firm shall not be paid nor receive reimbursement from public funds unless required by law. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee unless required by law. Under no circumstances shall the Client be obligated to pay any attorneys fee or any litigation expenses except from moneys expended by defendant(s) pursuant to the resolution of the Client's claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Firm will be paid the designated contingent fee from the resources expended by the defendant(s). Client acknowledges this is a necessary condition required by the Firm to dedicate its time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Firm should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

Negotiability of Fees: The rates set forth above are not set by law but are negotiable between the Firm and Client.

3. COSTS AND OTHER EXPENSES: The Firm and/or the other law firms in association with the Firm, hereinafter referred to as the "Attorneys," shall advance all necessary litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated. **There is no reimbursement of litigation expenses if there is no recovery. Costs advanced will be payable out of the Client's share of any recovery and will not affect the contingency rate or fees due to the Firm.**
4. FEE SHARING WITH CO-COUNSEL: The division of fees, expenses and labor between the Attorneys will be decided by private agreement between the law firms and subject to approval by the Client. Any division of fees will be governed by the Georgia Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the

representation and agrees to be available for consultation with the Client; (2) the Client has given *written* consent after full disclosure of the identity of each lawyer, that the fees will be divided, and that the division of fees will be in proportion to the services to be performed by each lawyer or that each lawyer will assume joint responsibility for the representation; (3) except where court approval of the fee division is obtained, the *written* closing statement in a case involving a contingent fee shall be signed by the Client and each lawyer and shall comply with the terms of the Georgia Rules of Professional Conduct; and (4) the total fee is *not clearly excessive*.

Client acknowledges that the division of fees in this Legal Services Agreement shall be as follows:

Blasingame, Burch, Garrard & Ashley, P.C.	75%
Patrick S. Flynn, LLC	25%

Client hereby consents to the division of fees as set forth herein.

5. COMMUNICATIONS WITH CLIENT: Lead Counsel shall appoint a contact person to keep the Client reasonably informed about the status of the matter in a manner deemed appropriate by the Client. The Client at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation.

Upon conclusion of this matter, Lead Counsel shall provide the Client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm, as required in Rule 1.5 of the Georgia Rules of Professional Conduct. The closing statement shall be signed by the Client and reflect the amount paid to each attorney among whom the fee is being divided.

6. REVIEW AND UNDERSTANDING OF THIS AGREEMENT: Client acknowledges review and understanding of this agreement, having read its contents in its entirety, and Client understands and agrees with all of its provisions. Client acknowledges that the Firm, its employees or agents, and the terms of this Agreement have made no promise or guarantee regarding the successful determination of Client's claim or causes of action, nor any guarantees regarding the amount of recovery or the type of relief, if any, which Client may obtain there from. The Attorneys make no such promises or guarantees. Attorneys' comments about the outcome of this matter are expressions of opinion only and the Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

SIGNED, this _____ day of _____, 2022.

Dougherty County, Georgia

County Commission Chair

Accepted:

BLASINGAME, BURCH, GARRARD & ASHLEY, P.C.
440 College Avenue, Suite 320
Athens, Georgia 30601

By _____

Date