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| Banks County Established 1858 Seal | **Banks County Board of Commissioners Called Meeting / Public Hearing** |
| Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547 |
| Tuesday, June 24, 2025 at 3:00 PM |
| **Minutes** |

**1.** **CALL TO ORDER**

Ch. Griffith called the meeting to order.

PRESENT
Chairman Taylor Griffith
Vice Chairman Danny Maxwell
Commissioner Chris Ausburn
Commissioner Keith Gardiner
Commissioner Bo Garrison

STAFF

Deputy County Clerk Erin Decker

County Clerk Regina Gailey

Chief Finance Officer Randy Failyer

County Atty Karen Pachuta

Sheriffs Atty Kevin Tallant

Sheriff Carlton Speed

**2.** **APPROVAL OF AGENDA**

Motion to approve the agenda.

Motion made by Commissioner Garrison, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

**3.** **PUBLIC HEARINGS:**

**a. FY2026 Budget**

Chairman Griffith stated he would turn the meeting over to County Attorney Karen Pachuta to open the public hearing.

Atty Pachuta opened the public hearing and stated the budget had been properly advised and published.

**In Favor of the Budget**

No one spoke in favor of the budget

**In Opposition of the Budget**

Attorney Kevin Tallant stated he was a lawyer practicing in local government law and he was representing the Sheriff. He further stated he wanted to speak on the budget and to address some comments that had been made about the budget and also wanted to speak about the process that got us to this point.

Attorney Tallant stated that historically the Sheriff had been very accurate with his budget request and what he had actually needed for his operations to run the Office of the Sheriff. Attorney Tallant continued to state he knew there was a budget amendment coming up but thought you would agree with him in saying in terms of his budget request that he made last year the Sheriff was very accurate in terms of the amount of money he actually needed. He further stated that was what caused him concern about the budget process that we are at today. The Sheriff presented a budget to the Commissioners back in February 2025, some general questions were asked, he provided answers to those questions and Attorney Tallant had provided some answers through the County Attorney as well and then that was it.  There was no red line that was sent back to the Sheriff and no talks about what the Sheriff needed to cut and no process where he was given a markup of his budget and asked to comment on it. No process where the Sheriff was asked where he could cut his budget or move some money around or what was absolutely necessary to operate on. Instead, Attorney Tallant stated he was never actually told what his budget amount was. Attorney Tallant stated let him be clear that no member of the Banks County Government ever told the Sheriff what his budget amount was. Attorney Tallant said he was the one that told the Sheriff his budget amount because he was informed by a letter from the Commissioners Attorney and broke the news to the Sheriff. Attorney Tallant stated that was not the way government was supposed to work. Government should work where you have a board that sets the budget and makes the constitutional officers aware of the budget.

Chairman Griffith stated the Banks County Board of Commissioners was not the body that cut off communication. The Sheriff chose to get his separate counsel and that was why we were in the dynamic that we are in currently.

Attorney Tallant stated technically there was nothing in law that says the Board of Commissioners were prohibited from talking to the Sheriff when he obtains separate counsel.

Attorney Tallant stated he would like to address a few comments pertaining to the budget.  He stated it was necessary to address these issues. He stated these comments were made and needed to be corrected.

He stated first he wanted to touch on some issues that have led to the increased cost of the Sheriff's Office.

First, medical services, there was a comment that stated " Swapped from somebody that was around $12,000 per month to someone that was around $20,000 per month".  Mr. Tallant stated that was respectfully inaccurate and further stated the person that was providing the medical services stopped providing the services and the Sheriff didn't fire him and that person was only providing services to the jail for five days per week. The Sheriff made the decision that in order to provide better medical service he would go with a provider that serviced the jail seven days a week twelve hours a day so therefore that service came at an increased cost. He further stated when you have people in a jail that are in close proximity you need to have them medically looked at as soon as possible if they got sick.

Second, inmate housing, in the last few years the County had provided the Sheriff with SPLOST funds to do certain capital improvements projects.  One of those projects, the Sheriff used to build a building that he intended to use for administrative purposes and bring his people back from various locations throughout the County and have them all at a central location. This would have made a much more efficient organization when it came to investigations, crime detection and prevention but instead the County decided it wanted to use the building for inmate housing. Attorney Tallant said a statement was made quote "a big empty metal building that was used for nothing".   That statement was grossly and recklessly misleading. He further stated it was empty and not being used for anything because the County wanted to use it for inmate housing. He stated the Sheriff decided to respect the county's request to use it as inmate housing and that was why it was sitting empty.  It was misleading to the people of Banks County by saying it was a big empty building being used for nothing and had no purpose.  Also, there was a comment at the June 16, 2025, meeting whether it was going to be more expensive once we staffed it out and had to start housing people there. The comment was made that it would be cheaper than paying Hart County $49,000 a month for inmate housing. Attorney Tallant stated that was an easy answer to a much more complicated question and he wanted to point a few things out about what the true cost of this would be. He further stated you would need septic, conversion of the building into jail cells, increased employees to manage the inmates in the facility, increased medical and food cost.  He stated you owed it to the budget process to consider all these costs

Third, food service providers were changed. He stated there had been a rash of lawsuits about the quality of the food. He stated the food was not a 5-Star quality meal but was simply the food the inmates needed to be healthy and not get sick. The more inmates you had the higher the cost of the food service provider.

County Attorney Karen Pachuta stated Attorney Tallant was at the end of the 10-minute time limit and asked if he would like to continue and extend the time. Attorney Tallant stated he wasn't informed there was a 10-minute hearing limit. Attorney Tallant stated he needed 5 more minutes at the most.

**Public Hearing Time Extension**

Motion to add 5 minutes to the time limit for Attorney Tallant's comments.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

Attorney Tallant stated it was our responsibility to provide these services even after someone was sentenced until they were picked up and taken somewhere else in the criminal justice system.

Everyone had faced increased cost over the course of last year to put food on the table and to provide medical care for ourselves.  The Sheriff was responsible for not only doing that for his employees but also every inmate that was in the jail. The Sheriff had already been forced to make defacto cuts and also stated the Sheriff's employees were not provided with the same retirement benefits as the other county employees last year. The employees of the Sheriff were only provided a 3% match were the County employees received a 5% match.

Attorney Tallant stated in conclusion he wanted the Commissioners to think about what this budget means. The Sheriff doesn’t have a choice to enforce the laws of the State of Georgia, doesn't have a choice to not feed the inmates and doesn't have a choice to not provide them medical care. If you pass the budget as it was currently set you would be harming the people that work for him.

Commissioner Ausburn stated that Attorney Tallant said that the County was misleading in the fact that we said that the building was a big empty building and then you turned around and said that building was actually a big empty building.  Attorney Tallant said it was a big empty building because the Sheriff had a purpose for it and then he decided he would stop his purpose when it was decided by the County to make it a jail. Chairman Griffith stated that conversation was only had about two months ago so it had been a big empty building longer than that.

Attorney Pachuta stated there was about 2 1/2 more minutes if anyone else wanted to speak in opposition.

Commissioner Ausburn stated that he was the one that made the comment about the medical cost because he was told that when we went with the Mountain Judicial Circuit medical cost would decrease because once inmates were sentenced, they wouldn't be in our jail as long. Commissioner Ausburn just wanted to make sure no one was misled.

Chairman Griffith closed the public hearing.

**4.** **SHERIFF'S OFFICE: FY2025 BUDGET AMENDMENT REQUEST**

Attorney Tallant stated the Sheriff's Office had provided invoices and expense information to the County.

Chairman Griffith stated the first request was for $133, 804.94 and a second request for $43,696.82 and the medical cost were additional and would be negotiated down.

Commissioner Garrison asked Deputy McFaddin if they were using state services to negotiate medical services?  Ms. McFaddin stated they were able to negotiate their medical services down by 86%.

Chairman Griffith stated how many more bills would be coming in? Ms. McFaddin stated there were more bills coming in.

Commissioner Gardiner stated the Sheriff had invoices that would need to be paid and you never know how many medical invoices that would come in.

Commissioner Ausburn asked what was the total overage?  Chairman Griffith stated he had about $175,000 in overages and that didn't include medical.

Commissioner Ausburn said Attorney Tallant stated nothing prevented the Commissioners from talking to the Sheriff and Commissioner Ausburn stated that went both ways.

Attorney Tallant stated that the Sheriff had no role in computing his own salary and someone else did that.  The last couple of years it was submitted to Banks County and no one with Banks County raised any concerns about the amount and therefore the Sheriff was paid that amount.  This year a question was raised about the Sheriff's salary and Attorney Tallant stated he gave the Sheriff several options as to how he thought the salary was correct and no need to refund any money received.  The Sheriff decided to not take any salary over the last several months. He further stated when his new salary was set he would be taking a deduction.  Chairman Griffith stated the County did not calculate the Sheriff's salary but the Sheriff's Office did that the last several years.  Attorney Tallant stated the County Attorney has stated what the salary would be.  Chairman Griffith stated yes, going forward but not in the past.

Motion to amend the FY2025 Sheriff's Office budget in the amount of $175,000 to provide funding to pay the outstanding invoices.

Motion made by Chairman Griffith, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

**5.** **CONTRACTS AND AGREEMENTS:**

**a. Senior Center: Legacy Link - FY2025 Addendum #3 - Nutrition Program Services**

No action was taken.

**b. Annex: Nsync Inc. - Systems Service Agreement 2026 - Board Room Audio**

Motion to approve the contract.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Nay: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 0:5

All nay votes and the motion failed.

Commission Ausburn spoke about the Sheriff and stated this was not a witch hunt but rather an attempt to get the budget under control.

**c. Hotel/Motel Tax: Explore Georgia**

Chairman Griffith stated they had been informed by DCA not to contract with Explore Georgia at this point. Attorney Pachuta stated not at this time because the CVB has filed an objection to switching the Direct Marketing Organization and DCA was evaluating that.

Attorney Pachuta stated there were a few staff at the meeting that wanted to talk about their budget request.  She stated it wouldn't be part of the public hearing but you could reconsider and amend the agenda.

**Reconsider Agenda**

Motion to reconsider the motion to approve the agenda.

Motion made by Chairman Griffith, Seconded by Commissioner Garrison.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

Ch. Griffith stated we needed to add FY2026 Budget Discussion as item 6 and move the other agenda items down.

 Add: 6: FY2026 Budget Discussion

Changes: 7: Executive Session: Litigation

8: Adjournment

Motion made by Chairman Griffith, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner

Vote: 5:0

All yea votes and the motion passed.

**6. FY2026 Budget Discussion**

**Probate Judge Cameron Boswell**

Judge Boswell discussed the salary increase and stated he had the money in his budget.

Vice Chairman Maxwell stated not all department heads had the opportunity to receive money that would cover a salary increase and he didn't agree with giving increases only to a few employees.

**Clerk of Superior Court Tim Harper**

Mr. Harper stated he had discussed with Ms. Ivey and Mr. Failyer about needing a third employee.  He said with only 2 employees they didn't have time to take off because there work load had increased since they entered into the Mountain Judicial Circuit.

Mr. Harper also stated he had asked for a different software program that was more efficient .  He further stated the current system was outdated and hard to maintain.

**7.** **EXECUTIVE SESSION: LITIGATION**

Motion to enter into executive session for litigation at 4:07 p.m.

Motion made by Commissioner Ausburn, Seconded by Commissioner Gardiner.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

Motion to close the executive session at 4:41 p.m.

Motion made by Commissioner Ausburn, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

***(Copy of Affidavit filed in Attachment to Minute Book 11-2)***

**Reconsider the Agenda**

Motion to reconsider the agenda.

Motion made by Chairman Griffith, Seconded by Vice Chairman Maxwell.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

Chairman Griffith stated we needed to amend the agenda as follows:

Add: 8. Fire/EMS Vehicle Purchase

9. Special Recognition

Changes: 10. Adjournment

Motion to approve the agenda as amended.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

**8. Fire/EMS Vehicle Purchase**

Chief Nichols stated they were in need of a truck and this could be purchased with opioid funds.

Chairman Griffith asked if there were other things needed that could be purchased with opioid funds.

No action taken.

**9. Special Recognitions**

Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn and Commissioner Garrison presented Commissioner Gardiner with a plaque stating "Banks County Board of Commissioners, Keith Gardiner in recognition of your loyal dedication and outstanding service to the community and citizens of Banks County as Commissioner in District 4  1989-1997 and 2020- 2025"

**10.** **ADJOURNMENT**

Motion to adjourn the meeting at 4:50 p.m.

Motion made by Chairman Griffith, Seconded by Commissioner Ausburn.
Voting Yea: Chairman Griffith, Vice Chairman Maxwell, Commissioner Ausburn, Commissioner Gardiner, Commissioner Garrison

Vote: 5:0

All yea votes and the motion passed.

 Chairman

Deputy County Clerk