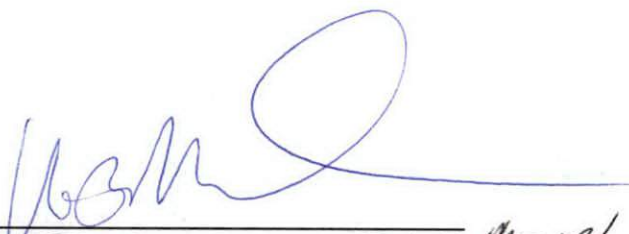


GEORGIA

ATHENS-CLARKE COUNTY

It is ordered that the foregoing presentments of the Grand Jury empanelled for the 2017 January Term of the Superior Court of Athens-Clarke County be entered on the minutes of the Court and published at the expense of the County in the official organ of Athens-Clarke County, Georgia. Exhibits are not to be published, but shall be posted on the Internet at www.athensclarkeclerkofcourt.com and www.athensclarkecounty.com/clerkofsuperiorcourt and reference made thereto in publication.

This 4th day of April, 2017.


~~Lawton E. Stephens~~, Judge *H. Patrick Haggard*
Superior Court Athens-Clarke County
Western Judicial Circuit

Filed in Open Court this 4th day of April, 2017.


Beverly Logan, Clerk

**General Presentments and Reports
Athens-Clarke County Grand Jury
January Term 2017**

On Monday January 9, 2017, twenty-five (25) jurors, including two alternates, were selected to serve as members of the Grand Jury for the Athens-Clarke County Superior Court for the January 2017 term. Judge Lawton E. Stephens administered the oath to the jurors and charged them with their responsibilities.

The jurors elected **Gretchen Elsner** as Foreperson, **Mackenzie Gallagher** as Assistant Foreperson, **Sean Campbell** as Secretary, and **Jessica Lonon** as Assistant Secretary.

The remaining jurors were Samantha Adair, Richard Allen, II, Merry Anderson, Mary Ann Callahan, Patrick Conley, Steven Decker, Richard Goodson, Judith Green, Eddie Higginbotham, IV, Elizabeth Johnson, Irene Latimore, Angela Miller, Brian Rozier, Christopher Shaw, Janice Sims, Patrick Stanley, Joyce Starks, Christopher Weiland, Saeid Zamir along with two alternate jurors Harold Seaton and Michael White.

I. Criminal Functions

In the capacity of the criminal functions of the Grand Jury, **166** cases were brought before the Grand Jury for indictment. Of these cases, **164** were returned as **True Bills**, **1** was returned as **No Bill** and **1** was returned as a **Split Bill**.

II. Civil Functions

The January 2017 Grand Jury undertook two civil functions:

- A. Review the revenue and expenditure statements of the Probate Court, Clerk of Superior Court, Athens-Clarke County Finance Department, and Office of the Sheriff (O.C.G.A. § 36-1-7).**

Finance Committee Report:

As required by O.C.G.A 36-1-7, we, the Grand Jury impaneled in January 2017 formed a committee to review the financial statements from the Athens-Clarke County Finance Department/Treasurer, Probate Court, Clerk of the Courts and Office of the Sheriff. The Finance Department, Probate Court, Clerk of the Courts, and Office of the Sheriff's typical practice is to present the Grand Jury with the summary and detail reports at the start of the term of service. However, on the occasion of the impaneling of this Grand Jury the four offices listed only presented the summary reports of their financial statements of department generated funds and expenditures, contrary to common practice. Thus the Grand Jury requested the summary and the detail statements of all county budgets to date for review. Gretchen Elsner, Mackenzie Gallagher, Judy Green and Mary Ann Callahan served on the committee. The committee makes the following findings and recommendations, which the Grand Jury hereby adopts.

1. Findings

- a. The amounts listed in the statements presented to the Grand Jury are mathematically accurate.
- b. The committee concludes that the Revenue and Expenditures Returns for the Athens-Clarke County Finance Department/Treasurer, Probate Court, Clerk of the Courts, and the Sheriff's Office for the period of October 2016 to January 2017 accurately represents the revenues and expenditures of the departments, to the best of our knowledge.

2. Recommendations:

- a. The Grand Jury recommends that a standard practice be agreed upon between the District Attorney, Finance Department, Probate Court, Clerk of the Courts, and Sheriff's Office to provide summary and detail financial statements and reports so as to fulfill the required mandates to report and also establish and maintain continuity in reporting. The Grand Jury is given to understand that in consecutive terms prior to the currently impaneled Grand Jury the aforementioned departments followed a standard practice of delivering both summary and detail reports for review, and that only having delivered summary report to the current Grand Jury was a departure from that normal practice. However, this departure from routine occasioned unnecessary confusion which could be avoided in the future.
- b. The Grand Jury recommends that the Finance Director/Treasurer make themselves available to the Grand Jury to review the full report with the Financial Committee as a matter of common practice.
- c. The Grand Jury recommends that the next Grand Jury requests full reports and summaries if only the summary reports are initially presented

B. Public Utilities Department Committee Report:

As allowed by O.C.G.A § 15-12-71, we, the Grand Jury impaneled in January of 2017, voted and formed a committee to investigate the Public Utilities Department, directing our inquiry to three issues: surface water pollution and facility discharge, anticipated stresses to the water system, and the feasibility of investments in renewable energy infrastructure at any raw, waste and drinking water facilities owned and operated by Athens-Clarke County. Gretchen Elsner, Patrick Conley, and Mary Ann Callahan served on the committee.

In the course of our investigation we met with Brad Lanning, of Jacobs Engineering, Bob Snipes, Representative of the Upper Oconee Water Basin (UOWB) Authority, Mayor Nancy Denson, Vice Chair of the UOWB Authority as well as executive and finance committee member to the Authority, Marilyn Hall, Water Conservation Coordinator at the Public Utilities Department, Frank Stephens, Director of the Public Utilities Department and Charles Ferguson,

attorney to the UOWB Authority. We also toured the Bear Creek Reservoir facility. We would like to extend our gratitude and respect to each of these people for their time, attention and assistance in this investigation. The committee makes the following findings and recommendations which the Grand Jury hereby adopts.

1. General Findings:

- a. The Grand Jury finds that the citizens of Athens-Clarke County are very fortunate that public servants of vision, intelligence, good humor, and honesty are working to maintain our vital local resource of reuse: water. The Public Utilities Department is capably managing water not only as an enterprise function of government, but also with a diligence to a triple bottom line paradigm standard by managing the water system as a public health service, as an environmental service, and by maintaining the capital investment in infrastructure. There are approximately 1250 miles of public water lines, costing an average of \$150 a foot to maintain, conducting 30 million gallons a day of drinking water. The Public Utilities Department is very pleased to work in cooperation with the Mayor and Commission that are supportive of funding infrastructure.
- b. 80-90% of operations are accomplished to meet heretofore required standards under the Federal Clean Water and other Acts, and these practices and standards will continue into the future.
- c. All of Athens-Clarke County's water related facilities have received a gold or platinum rating; platinum being designated a gold receiver 5 and more years in a row.

2. Surface Water Pollution, Facility Discharge, and Anticipated Stress Findings:

- a. The Athens-Clarke County water treatment facilities maintain, primarily through mechanical means, a calibrated balance of ammonia, phosphorus and nitrogen to control the dissolved oxygen content, and thus the biomass of the water as it passes through the system. This chemistry is greatly affected by common and abundantly used outdoor fertilizers and pesticides, as well as laundry detergents with phosphorus being a key ingredient. One consequence of extremes in the aforementioned chemical balance is the proliferation of algae, which is an occurrence requiring treatment at the Bear Creek Reservoir.
- b. The Bear Creek facility conserves discharged water; approximately one million gallons used to operate the facility are returned to the reservoir.
- c. The greatest larger environmental stresses are projected to be caused by 2 factors. First, our community is geologically situated at the top of the regional drainage basin and thus the region is susceptible to drought and reliant on a small amount of surface water to support water-shed rivers and streams. Prior experience informs that projections of drought conditions will be taxing on our community's water system, which can be worsened by population growth which increases demand. Second, the projected

increase in water volume contributed to the water system during individual weather events, another climactic change witnessed in recent years and projected into the future, can cause much damage to the sewer infrastructure.

d. Recommendations:

1. The Grand Jury recommends that resources and support be given to the Water Conservation Coordinator to expand the already visible, effective, and valuable public awareness work underway to accomplish targeted education about the usages that introduces certain chemicals to our water supply by home and business owners. Further, the Bear Creek Reservoir, on which 4 counties depend for drinking water, is only projected to be a reliably available resource until 2048, thus the work of the Water Conservation Coordinator is very valuable to our community's long term resilience.
2. The Grand Jury recommends that the Mayor and Commission vote to revise portions of the planning codes to allow for new installation and retrofitting of greywater systems for toilets, and also to adopt an ordinance to allow for PACE (Property Assessed Clean Energy) funding to support citizens in making transitions to tankless and solar water heaters, thus saving water and energy. The Grand Jury recommends that restrictive or discouraging ordinances banning or limiting the use of certain chemical fertilizers and pesticides by or within the municipality, and/or restricting the usage of in-ground sprinkler systems which are very wasteful of water, and/or more stringent requirements on paved surfaces vs. incentives for unpaved surfaces to better manage stormwater runoff, are all examples of other preventative/mitigating ordinance measures to consider.

3. Feasibility of Renewable Energy Infrastructure Investment Findings:

- a. **Bear Creek Reservoir Findings:** Athens-Clarke County has a significant interest in the Bear Creek Reservoir facility, having 44% of withdrawal rights and depending on the reservoir completely as recently as October and November of 2016, among other capital investments. The Bear Creek Reservoir is a joint venture between Athens-Clarke, Oconee, Barrow and Jackson counties in a very effective and rare municipal collaboration towards the common regional good. The UOWB Authority is currently a customer of Jackson EMC, and the property/facility is located adjacent to Georgia Power high voltage transmission lines. The financial position of the UOWB Authority is described as stable and strong. The potential for capital investments in infrastructure as defined by the Upper Oconee Water Basin Authority Act allows that the purpose of the Authority "includes but is not limited to the construction of reservoirs," etc, and that the "powers of the Authority include to plan, design, construct, erect, acquire, own, lease, repair, remodel, add to, extend, improve, equip, operate and manage projects on properties surrounding the reservoir and all facilities". The members of the UOWB Authority who are acting as representatives of Athens-Clarke County expressed attitudes of support for the potential for the Authority to issue revenue bonds, as allowed by law, for the installation of solar infrastructure to operate the current facility, any new

facilities, and possibly to include a grid-tied component of the array to sell power as a commodity through the Georgia Power Renewable Energy Distribution Incentive, or REDI, program.

b. Athens-Clarke County Public Utilities Department Findings: The Grand Jury's findings with regards to feasibility of renewable energy infrastructure investments by the Athens-Clarke County Public Utilities Department are very positive. More than half of the facilities operate with efficient submersible mixers instead of blowers in the flocculant tanks, which saves energy. Several of the facilities have also installed UV lights for disinfecting purposes, which, while reducing our community's need for chlorine in the water treatment process, consume more electricity. Further supporting the prudence of investments in solar is that the greatest cause for failure of a municipal water system is power failure. These combined facts have compelled the Public Utilities Department to consider the Cedar Creek water treatment facility as a good candidate for a pilot solar project. The Request for Proposals is currently being drafted and will be made available to the public, and open for bidding, this summer.

c. Recommendations:

1. The Grand Jury recommends that the members of the UOWB Authority who represent the interests of the citizens of Athens-Clarke County pursue an investment by the Authority in a community solar project at the Bear Creek Reservoir to provide power for the operations of the existing facility, to include solar in any development of future water related infrastructure, and to invest in solar infrastructure to be used to generate electricity for sale as a commodity, as a further collaboration between Athens-Clarke County and our neighboring counties with whom we share interest.
2. Pursuant to the powers of the UOWB Authority to lease property the Grand Jury further suggests that our Athens-Clarke County representative to the UOWB Authority explore the option of leasing property at the Bear Creek Reservoir to a 3rd party corporation to invest in a grid tied solar facility.
4. **Acknowledgement:** The Grand Jury wishes to thank those at the Public Utilities Department, as well as the Athens-Clarke County Environmental Coordinator Andrew Saunders, The City Manager Blaine Williams, the Mayor, and the Commission for their foresight and support in implementing this Cedar Creek Water Treatment Facility solar project. We hope it is the first of many renewable energy investments on municipal properties. Thank you for all for your work and service as stewards of our ownership and investment in our common public good.

III. Acknowledgements

We thank District Attorney Ken Mauldin for his guidance and support during our term. We thank the Assistant District Attorneys and the Interns for their patience, explanation of the law, and professionalism as they presented the cases.

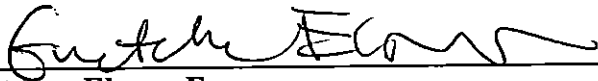
We thank the Bailiffs for setting the Jury room, providing coffee and making sure we have what we needed for the day.

Finally, we offer our sincerest appreciation to the Athens-Clarke County Police Department and other local law enforcement agencies for their testimony, as well as for their dedication and hard work for all the citizens of Athens-Clarke County.

IV. Closing Remarks

Grand Jury appointment is a civic duty for which the members of this jury felt honored to perform. Our appreciation is extended to both the court and to the larger community for the opportunity to serve in this capacity.

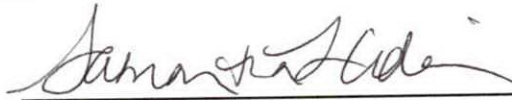
Respectfully submitted, this **4th of April 2017**

A handwritten signature in cursive script, appearing to read "Gretchen Elsner", written over a horizontal line.

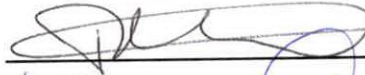
Gretchen Elsner, Foreperson

GRAND JUROR'S SIGNATURES:

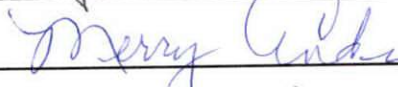
Samantha L. Adair



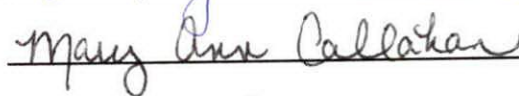
Richard H. Allen, II



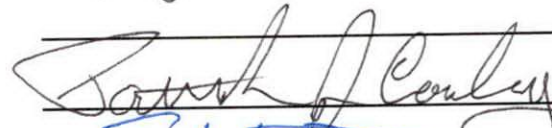
Merry C. Anderson




Mary Ann Callahan



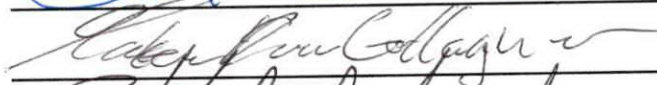
Sean D. Campbell



Patrick J. Conley



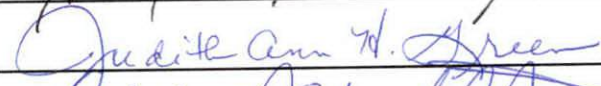
Steven L. Decker



Mackenzie D. Gallagher



Richard G. Goodness



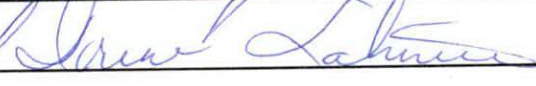
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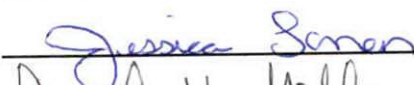
Eddie Higginbotham, IV



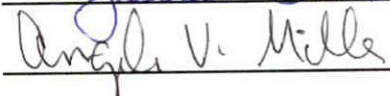
Elizabeth Johnson



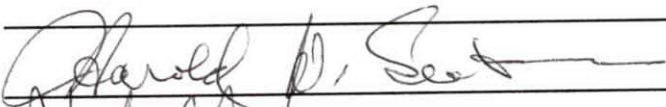
Irene B. Latimore



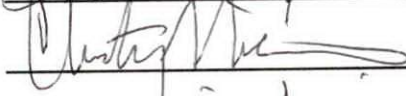
Jessica A. Lonon



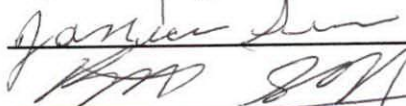
Angela V. Miller



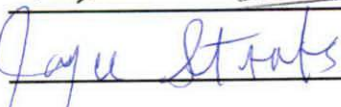
Brian D. Rozier



Harold W. Seaton



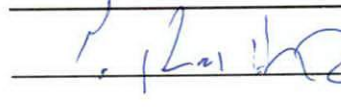
Christopher A. Shaw



Janice T. Sims



Patrick D. Stanley



Joyce H. Starks



Christopher L. Weiland

Michael R. White

Saeid R. Zamir