

CHEROKEE COUNTY

STATE OF GEORGIA

GRAND JURY PRESENTMENTS

TO:

The Honorable N. Jackson Harris
Chief Judge, Superior Court
Cherokee County, Georgia

The Honorable Ellen McElyea
Judge, Superior Court
Cherokee County, Georgia

The Honorable David L. Cannon, Jr.
Judge, Superior Court
Cherokee County, Georgia

We, the members of this Grand Jury, chosen and sworn to serve the January 2013 term of the Superior Court of Cherokee County, hereby submit the following report and recommendations.

We, the January 2013 Grand Jury heard 242 bills of indictment, returned 242 true bills and 0 no bills.

PRESENTMENT 1

We, the January 2013 Grand Jury commend Superior Court Chief Bailiff Jane Johnson, Bailiff Johnny Champion and all bailiffs for their diligent assistance in arranging materials for Grand Jury proceedings, managing the schedule for cases to be presented, coordinating Grand Jury payroll, and ensuring that proceedings run smoothly.

PRESENTMENT 2

We, the January 2013 Grand Jury, commend District Attorney Shannon Wallace and each of her Assistant District Attorneys, Investigators and staff members for all of their hard work in preparing and presenting all of the cases brought before this Grand Jury.

PRESENTMENT 3

We, the January 2013 Grand Jury, commend the May 2012 and September 2012 Grand Juries for all of their hard work, especially in regards to the investigation of Ball Ground Recycling.

PRESENTMENT 4

We, the January 2013 Grand Jury, sincerely express our appreciation of the director and staff of the Anna Crawford Children's Center for the tremendous assistance and comfort provided to at-risk and victimized children in our community.

PRESENTMENT 5

We, the January 2013 Grand Jury, commend all of the law enforcement officers of Cherokee County for their hard work and their continued dedication to protecting the citizens of this county.

PRESENTMENT 6

We, the January 2013 Grand Jury, express thanks to Solicitor-General Jessica Moss for informing the Grand Jury about the Cherokee County Solicitor General's Office and thank her and her staff for their hard work in prosecuting the misdemeanor offenses in Cherokee County.

PRESENTMENT 7

We, the January 2013 Grand Jury, sincerely express thanks to Clerk of Court, Patty Baker, for a thorough and knowledgeable overview of the Board of Tax Equalization and for explaining the appointment process to the Grand Jury.

PRESENTMENT 8

We, the January 2013 Grand Jury, sincerely express thanks to Cherokee County Sheriff Roger Garrison, Major Karen Johnson, other staff members of the Cherokee County Sheriff's Office and Adult Detention Center, Renee Cornelison of the Cherokee Office of Homeland Security-Emergency Management (OHS-EM), and the shift supervisors and staff of the 911 Center for hosting an informative tour. The Detention Center was found to be well-lit, clean and effectively managed. The OHS-EM and the 911 Center were both highly efficient and effectively run.

PRESENTMENT 9

We, the January 2013 Grand Jury, would like to express our sincere gratitude to District Attorney Administrative Assistant Joan Padgett for always going above and beyond the call of duty to help the January 2013 Grand Jury.

PRESENTMENT 10

We, the January 2013 Grand Jury, after examining the applications for the vacant position on the Cherokee County Board of Tax Equalization, voted to appoint Sydney Barker to fill the vacant position. Ms. Barker will hold this position until May of 2015.

PRESENTMENT 11

We, the January 2013 Grand Jury, in a previous interim presentment appointed Maureen Rowson, David Ledford, Karen Postell, Vernon Lingerfelt and Anice Ward to a special committee to investigate and inquire into the Cherokee County Resource Recovery Development Authority (RRDA) and the Ball Ground Recycling Center and into the purchase of land on Highway 92 by the Cherokee County Development Authority/Office of Economic Development from Jimmy Bobo. Due to illness, Vernon Lingerfelt was excused from the special committee and the Grand Jury voted to add David Campbell to the special committee.

The Committee interviewed the following individuals: Attorney Douglas Flint, attorney for David and Jimmy Bobo, Previous County Commissioner Jim Hubbard, Jimmy Bobo, and County Commission Chairman L.B. "Buzz" Ahrens.

The Committee reviewed documents provided by Misti Martin, President of the Office of Economic Development, and all available documents related to the dealings between the BOC/RRDA/County Management and Mr. Jimmy Bobo et al/BGR. The Committee also reviewed documents provided by Mr. Jimmy Bobo.

The Committee reported to the Grand Jury. Based upon the Committee's report, the Grand Jury found:

Findings:

Mr. Jimmy Bobo moved his businesses, Cherokee Recycling and Woodtech, from Blalock Road and Highway 92 after numerous complaints about his business. Upon vacating the Blalock road site, the county discovered a mass of debris buried on this land. There was conflicting information provided to the Grand Jury regarding if this debris that was removed from the land was in fact unusable material.

Conflicting information was provided to the Grand Jury as to how the final price for the purchase of the property now known as Ball Ground Recycling was derived. To date, no records from Bank of North Georgia have been provided to the Grand Jury.

According to the information provided to this Grand Jury, there was no separate real estate attorney representing Cherokee County during the bond process.

The Certificate Designating Consulting Architect provided to the Grand Jury showed that the RRDA and Ball Ground Recycling jointly selected Sheffer and Grant, Architects, P.C. as the consulting architect for the bond on September 1, 2007.

There is currently no sign or other indication located at the Ball Ground Recycling Site to indicate that the land is for lease or sale.

To date, there is no indication that all of the members of the current Board of Commissioners have visited the Ball Ground Recycling site.

To date, no draw documents or supporting documents have been provided to the Grand Jury by the Bank of New York.

To date, there is still no lessee for the Ball Ground Recycling site and the County continues to pay \$100,000 per month to the Bank of New York.

The Grand Jury is unaware if Cherokee County has an existing policy in regards to how contractor requests for payments in county projects are handled.

According to the information provided to this Grand Jury, the Cherokee County Development Authority/Office of Economic Development (CCDA/OED) purchased 53 acres on James Dupree and Highway 92 from one of the Bobo Companies, BG Land, for \$5.5 million on August 31, 2009 funded by a note from Sun Trust Bank. As a part of the sale of that property, Jimmy Bobo agreed to move his Woodtech operation to the Ball Ground Recycling Facility and remove all the mulch he had on-site. The CCDA/OED also purchased an adjoining 42 acre lot called the "Tyson Tract" for \$1.9 million on November 30, 2010. Of those 100 acres, 53 have been declared an Opportunity Zone by the state Department of Community Affairs. The 100 acres will become the Cherokee 75 Corporate Park.

Recommendations

Recommendation 1: The Grand Jury recommends that the Resource Recovery Development Authority (RRDA) meet bi-monthly in conjunction with the Board of Commissioners' meetings until such time as a lessee or purchaser is located for the Ball Ground Recycling site.

Recommendation 2: The Grand Jury recommends that an outside real estate firm be engaged to find a lessee/purchaser for the Ball Ground Recycling site. Furthermore, the Grand Jury recommends that there be a sign placed immediately at the Ball Ground Recycling site to advertise that the site is for lease/sale.

Recommendation 3: The Grand Jury recommends that the next Grand Jury appoint a citizen advisory committee to oversee all future transactions of the Resource Recovery Development Authority.

Recommendation 4: The Grand Jury recommends that until a lessee or purchaser for the Ball Ground Recycling site is found, a report regarding the progress of

locating a suitor be given to the public once a month during the scheduled BOC meetings.

Recommendation 5: The Grand Jury recommends that the current BOC visit the Ball Ground Recycling site to familiarize himself/herself with the property.

Recommendation 6: The Grand Jury recommends that the BOC engage the services of a real estate attorney for all future transactions involving the purchase or sale of land in lieu of using the services of the county attorney.

Recommendation 7: The Grand Jury recommends that in the future before the County enters into any intergovernmental agreement with a private individual or corporation, the County ensure the citizens are properly informed about the intergovernmental agreement by discussing the matter at a minimum of two public BOC meetings.

Recommendation 8: The Grand Jury recommends that all county employees that answer directly to the BOC have an annual job performance review to ensure compliance with the professional oath of honor that each signed.

Recommendation 9: The Grand Jury recommends that at least two signatures be required for all checks written in an amount over \$500,000. The Grand Jury further recommends that all draw requests on all public projects in an amount over \$500,000 be submitted to the entire BOC for approval. Furthermore, the Grand Jury recommends that before any approval of any draw request is made, all of the supporting documents required by the contract be attached to the draw request.

Recommendation 10: The Grand Jury recommends that the BOC request the Bank of New York to produce to the BOC any and all draw requests and supporting documents submitted to the Bank of New York for release of bond funds to Mr. Jimmy Bobo.

Recommendation 11: The Grand Jury recommends that no future grand jury investigate the Ball Ground Recycling matter any further until the forensic audit is completed.

Recommendation 12: The Grand Jury recommends that the District Attorney file a motion seeking an order of the Court to release all documents and information obtained during the investigation of the RRDA and Ball Ground Recycling by the

May 2012 Grand Jury, the September 2012 Grand Jury and the January 2013 Grand Jury if any future grand jury votes to investigate the RRDA and Ball Ground Recycling.

Respectfully submitted this 9th day of April, 2013.



David Campbell
Grand Jury Assistant Foreman

CHEROKEE COUNTY

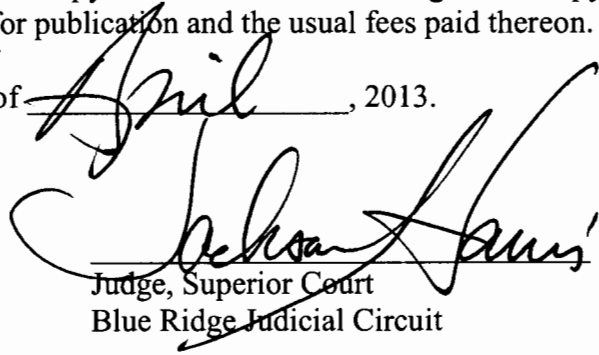
STATE OF GEORGIA

ORDER

It is ordered that the within and foregoing Grand Jury Presentments having been read and considered, the same be filed.

It is further ordered that a copy of the Presentments along with a copy of this Order be sent to the Cherokee Tribune for publication and the usual fees paid thereon.

This the 15th day of April, 2013.



Handwritten signature of William L. Harris in cursive script.

Judge, Superior Court
Blue Ridge Judicial Circuit