

## **Statement of the Board of Directors of Friends of Barber Creek**

**1/29/2008**

Mr. Chairman, Members of the Commission,

My name is Tim Price from 1240 Hollow Creek Lane. Thank you for this opportunity to speak on behalf of the Board of Directors of the Friends of Barber Creek.

We are asking you tonight, in the strongest words possible, not to take any action at this time on the bids for the upgrade of the Rocky Branch sewage treatment plant.

We make this request because we believe the County has improperly and illegally excluded us from the review process, thus keeping us in the dark about the bids and what they contain.

We believe the County has taken this action because, in the original bid cycle, when the bids and the evaluation process were open to us, we discovered that a tip was given to at least some bidders at the presubmittal meeting, and, as a consequence, two of the three bidders proposed a design not covered by the request for proposals. The low bidder did not.

The alternate design would have provided for a lower quality effluent from the Rocky Branch sewage treatment plant than the Request for Proposals called for.

The technology used in the alternate design was at odds with the permit to discharge treated sewage water into Barber Creek given to the County by the state Environmental Protection Division.

It also was at odds with promises made to the citizens of this county and, in particular, those of us who live along Barber Creek, regarding the technology to be used.

After we pointed out the irregularity in the bidding process and that the recommended bidder proposed to use this alternate design and, in addition, was the company that had submitted the design specifications used in the Request for Proposals itself, the County tossed out the bids and began anew the bidding process.

In this second bid cycle, the County made the decision to deny us access to the bids and access to the records of the Selection Committee appointed to evaluate those bids.

In addition, this Selection Committee held a meeting for which there was no proper notification. Invited to that meeting were all members of this Board of Commissioners, making it possible that a quorum of this Board would have attended. The Selection Committee itself was created by this Board, as specified in the Request for Proposals.

We believe that Georgia law required the Selection Committee to meet in public and to give proper notice of the time and place of that meeting.

In fact, we had asked in advance to be notified of that meeting and were told by Alan Theriault, administrative officer of the County, that we would not be notified. The meeting took place on January 4 without any of us having the opportunity to attend.

The County has given two reasons for closing the bidding process to citizens. Neither has merit.

First, according to the County, the bidders need protection from public scrutiny to guard their trade secrets.

The bidders almost certainly are using off-the-shelf technology, which is promoted widely even on the web and which is widely used around the country. There is little likelihood that any trade secrets are involved. If any were, the County could have masked reference to them.

Second, we have been told, the County wanted to negotiate in secret, behind closed doors, with the bidders.

Mr. Chairman, Members of the Board, it is precisely that kind of secret negotiation we do not want to take place.

We have been told explicitly by Mr. Theriault that citizens would “taint” the bidding process and that we and other citizens should trust the County.

You have said you do not trust us to have access to the bids and the bidding process, but you ask us to trust you.

Mr. Chairman, Members of the Board, a government that does not trust its citizens does not deserve the trust of its citizens.

The Board of Directors of the Friends of Barber Creek repeatedly has asked this County to do three simple things.

First, we have asked that you guarantee that no water will be released into Barber Creek from the Rocky Branch sewage treatment plant in times of flooding.

Second, we have asked that the effluent from Rocky Branch be treated to the highest level technology allows. We have used the F. Wayne Hill sewage treatment plant in Gwinnett County as a minimum standard.

Third, we have asked the County to provide a system for independent monitoring of the operation of the Rocky Branch sewage plant.

Even if the County had not behaved improperly and illegally by preventing us from having access to the bidding process, we would ask you to delay your action until you have guaranteed us these three things.

Mr. Chairman, you not only are the chief officer of this Board but you also are the de facto chief administrative officer of this County. Mr. Theriault, who reports to you, has been the chief public advocate of this policy of secrecy regarding the bidding process. We ask you to reverse the policy.

Ms. Hale, Mr. Horton, Mr. Luke and Mr. Norris, as the legislative body of this County, you stand as the only real check on the strong powers of the executive. You have so far acquiesced in this policy of secrecy. We ask you to stop your acquiescence and speak out for openness on behalf of the citizens of this county.

We ask this Board not to take any action until a bidding process that is open to the public has been completed and until, as a result of that bidding process, we and other citizens of this County have been assured that the effluent from the plant will meet the highest standards possible given the current technology. We also believe the plant should be built at the most reasonable cost.

Mr. Chairman, please allow me to give you a copy of this statement. We ask that it be included in the public record of this meeting.

This statement is signed by

Lee Becker, President, 1050 Scott Terrace

Tim Price, Vice President, 1240 Hollow Creek Lane

Karen Kimbaris, Secretary/Treasurer, 1031 Willow Ridge

Joe Block, Member of the Board, 1281 Founders Lake Drive

Eleanor Cotton, Member of the Board, 1101 Nona Drive

**(Version entered into the minutes of the BOC meeting was signed by all five persons above.)**