



NEWTON COUNTY  
BOARD OF COMMISSIONERS

1124 CLARK STREET  
COVINGTON, GEORGIA 30014  
TELEPHONE (678) 625-1200  
FAX (770) 784-2007



- MARCELLO BANES  
CHAIRMAN
- STAN EDWARDS  
DISTRICT 1
- LANIER SIMS  
DISTRICT 2
- NANCY P. SCHULZ  
DISTRICT 3
- J.C. HENDERSON  
DISTRICT 4
- RONNIE COWAN  
DISTRICT 5
- LLOYD KERR  
COUNTY MANAGER
- JACKIE SMITH  
COUNTY CLERK

January 9, 2018

<p><u>Mailed via Certified Mail, Return</u> <u>Receipt Requested to:</u> Danny Stone 476 Byrd Road Oxford, Georgia 30054</p>	<p><u>Mailed via Certified Mail, Return</u> <u>Receipt Requested to:</u> Julius Hays 1509 Woodlawn Road Covington, Georgia 30014</p>
<p><u>Mailed via Certified Mail, Return</u> <u>Receipt Requested to:</u> Mayor Ronnie Johnston P.O. Box 1527 Covington, GA 30015</p>	<p>Concerning: Josh McKelvey</p>

Re: Proposed Removal from Newton County Recreation Commission Board

Dear Member of the Newton County Recreation Commission Board,

I am writing to inform you that I am considering removing you from the Board of the Newton County Recreation Commission (the "Board") for cause.

This action is being considered in light of the recent termination of Newton County civil servant Anthony Avery as Director of the Newton County Recreation Commission. The Board appears to have summarily dismissed Mr. Avery without following the County's notice and hearing procedures, and in disregard of advise an dinstruction from the County's legal and human resource staff. Besides opening the Commission and the County to potential legal action and creating financial exposure for the County, the Board's improper handling of Commission personnal brings disrepute to the County and its government.

You are invited/requested to submit a written response to this letter by sending a physical letter to the address shown above, or by emailing me at [mbanes@co.newton.ga.us](mailto:mbanes@co.newton.ga.us). You may inform me of any



facts, extenuating circumstances, and arguments that you feel are relevant to the matters discussed above. Your response is due by January 17, 2018. In addition to your written response, you may call me at the number above to present your case. In preparing your response, you may obtain the assistance of legal counsel at your expense. I will make a decision promptly following the receipt of your response.

In the event that I ultimately decide to remove you from the Recreation Commission, you will be given an opportunity to appeal this decision to the full County Board of Commissioners, which will affirm or reject my decision by a majority vote. The Georgia Rules of Evidence will not be applied at the appeal hearing, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. You will be entitled to present your own argument and testimony at the hearing, as well as testimony from any witnesses you may wish to present. You will be able to observe the presentation of evidence in favor of termination, and you may cross-examine any witnesses called for this purpose. You will have the right to legal representation at your own expense. The County Board of Commissioners will be entitled to accept any facts demonstrated by a preponderance of the evidence. It will deliberate upon the evidence following the hearing and will issue a written decision within a reasonable period of time. Its decision will be final.

Please let me know if you need clarification of any matter discussed above.

Sincerely,

Marcello Banes  
Chairman, Newton County Board of  
Commissioners

cc: Newton County Board of Commissioners (via email)