

## INTEROFFICE MEMORANDUM



**TO:** Anthony Nicks, County Auditor  
**FROM:** Richard Barron, Director, Registration and Elections  
**DATE:** January 14, 2022  
**SUBJECT:** HF Audit Response

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### **Finding 1 – Lack of an Approved Contract**

No contract was in place from January 1<sup>st</sup> through July 14<sup>th</sup>. Beginning in November 2020 we made several requests for additional spending authority that would extend the contract, based upon staffing needs for the January 2021 Federal Runoff election and cleanup following six elections in eight months. We had plenty of funding in place. Post the election there was discussion about the need for staffing for the upcoming January runoff, with followed with a financial review from Purchasing and the County budget office, a reconciliation was completed on March 11. We received notice from Purchasing on March 11 that the review had concluded and we were told enter a request into Legistar to receive BOC approval. This was submitted immediately on March 12<sup>th</sup>. The item for contract renewal for 2021 first appeared on a BOC agenda May 19<sup>th</sup>, followed by June 2<sup>nd</sup>, and again on June 16<sup>th</sup>. The item gained approval finally on July 14<sup>th</sup>. As a result our department has written new standard operating procedures to guide staff to ensure that a contract is approved and in place before having any transactions with vendors. We will also work collaboratively with the vendor to use the tools that they have in place to further ensure that no work is performed without a contract in place.

### **Finding 2 – Unauthorized Position Titles**

We have used the “System Specialist” position in the contract since 2015; therefore if the title “Elections System Specialist” was modified to reflect the same title as the permanent positions, to update the duties and adjust the classification from the vendor’s side for accurate rate of pay purposes. The “Executive Assistant” was newly implemented for each division, based upon the overwhelming work increase to the department during the 2020 election cycle, and thus would not have been included in the original contract. To avoid this occurrence in the future we have written SOP’s that guide staff to notify Purchasing before implementing a title change or modification, so that the proposed change is updated within the contract before changed within the department. We will also work with the vendor and Purchasing to create language in the underlying contract that allows for flexibility for potential exceptions like those listed above.

### **Finding 3 – Issuance of Inaccurate and Unauthorized Wages**

To avoid this further occurrence we have written standard operating procedures that guide staff to notify Purchasing before implementing a title change or salary modification. That way the proposed change is updated within the contract before changed within the department.

#### **Finding 4 – Untimely Payment of Invoices**

We had prior spending authority and sufficient funding in place to process all payments timely. As a result of the delays in gaining contract approval until July, while needing staff for election and post election duties, we retained staff with the approval of county executive management, Our vendor continued to bill for services. As a result, our department has written standard operating procedures that guide staff to ensure that a contract is approved and in place before having any transactions with vendors.

#### **Finding 5 – Lack of Supporting Documentation**

No contract was in place from January 1<sup>st</sup> through July 14<sup>th</sup>. Beginning in November 2020 we made several requests for additional spending authority that would extend the contract, based upon staffing needs for the January 2021 Federal Runoff election and cleanup following six elections in eight months. We had plenty of funding in place. Post the election there was discussion about the need for staffing for the upcoming January runoff, which followed with a financial review from Purchasing and the County budget office, and a reconciliation was completed on March 11. We received notice from Purchasing on March 11 that the review had concluded and we were told enter a request into Legistar to receive BOC approval. This was submitted immediately on March 12<sup>th</sup>. The item for contract renewal for 2021 first appeared on a BOC agenda May 19<sup>th</sup>, followed by June 2<sup>nd</sup>, and again on June 16<sup>th</sup>. The item gained approval finally on July 14<sup>th</sup>. As a result our department has written new standard operating procedures to guide staff to ensure that a contract is approved and in place before having any transactions with vendors. We will also work collaboratively with the vendor to use the tools that they have in place to further ensure that no work is performed without a contract in place.

#### **Concern 1 – Overtime Pay**

We were unaware of this occurrence until the contractor notified a County Commissioner, and the Commissioner then raised it to our attention. We have made it a protocol to immediately contact the agency whenever an individual raises a concern with their compensation. Happy Faces has provided that they took the following action:

Of the 65 people who were on a contracted position for services who were not paid for overtime, only 9 had documentation stating they would be paid for OT. Those 9 documents were not signed by anyone and were an accidental digression from the previous year by our sub-contractor. All other contractors had properly documented agreements indicating the pay arrangements. The original shift with certain

classifications was an effort with Fulton to reduce the budget while allowing for the highest quality to staff for many of the professional positions. In the spirit of goodwill, we immediately authorized payment of all outstanding OT amounts to all contractors so that they were all treated the same. This was handled within hours of the initial notification by Fulton County. All contractors were paid and will reflect properly on their 2021 tax form.

We respect and understand the challenges this places on Fulton and initiated a review of every other position, order details and pay details to ensure there are no similar deviations, (there were none). We will provide more clear documentation and ensure that our existing orientations with each group improves the manner in which we communicate important details related to their positions.



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Richard Barron, Director  
Department of Registration and Elections