

**JAMES A. VAUGHN, CHAIRMAN, MONROE COUNTY COMMISSION**

**FOR IMMEDIATE RELEASE**

Tuesday, August 23, 2011

(1) I remain convinced as Special Assistant Administrative Law Judge John Sherrill found, "The bottom line is that Mr. Scarborough, the surveyor properly appointed by the Governor, conducted his survey in accordance with appropriate surveying standards. To adopt Bibb County's position that Mr. Scarborough's location of the Ferry at the Northernmost terminating point was incorrect one would have to engage in conjecture."

(2) Secretary Kemp stated this morning that Scarborough could be right-but he [Kemp] wasn't comfortable moving the borderline unless he was 100% sure. I am concerned, based on our understanding, from our attorneys, that Secretary Kemp misunderstood the burden of proof. The burden was on Bibb County to prove its objections. Instead, Secretary Kemp has put the burden on Monroe County to prove that Mr. Scarborough's survey is correct.

(3) Secretary Kemp spoke about "moving" the line. Mr. Scarborough's survey does not move any line. The survey established the Monroe-Bibb County border for the first time.

(4) Secretary Kemp's decision today is disappointing. The decision not only ignored substantial evidence but ignored the process set up by the Office of Secretary of State for reaching a decision. Mr. Sherrill was appointed because the Office of Secretary of State wanted someone with experience in hearing and evaluating evidence and legal arguments. Mr. Sherrill was appointed to make such evaluations and make his recommendations following the trial to Secretary Kemp. Mr. Sherrill evaluated 3 days of testimony and over 150 items of documentary evidence and issued a firm, unequivocal recommendation that Mr. Scarborough's survey be established as the proper boundary.

(5) It is disappointing that Secretary Kemp ignored Special Assistant Administrative Law Judge Sherrill's findings on the evidence. For example, Special Assistant ALJ Sherrill found that several maps from the relevant time period which were analyzed by experts during the trial showed the boundary to be precisely where Mr. Scarborough's survey showed it to be and directly contradicted Bibb County's arguments about the location of the line. Several of these maps have been recorded in the Office of the Secretary of State for over 100 years. These maps were likewise ignored by Secretary Kemp.

(6) As Secretary Kemp stated in his press conference this morning, his decision does not resolve this decades long dispute. The uncertainty concerning land use and a host of other issues remains just as it was when this process was begun over seven years ago. We are confident that all of the relevant documents and physical evidence have been reviewed as a part of this process. After the exhaustive search of the records that has been done and the thorough trial of the case before Special Assistant ALJ John Sherrill, it seems unlikely that any "new smoking gun" type evidence will be found. Therefore, any future surveyor will not be in a better position than Mr. Scarborough but will have the same evidence that was available to Mr. Scarborough with the result that a new survey will likely locate the line in exactly the same place as Mr. Scarborough did.

(7) Monroe County Commissioners have done our best thus far to follow the procedure initiated years ago by a Monroe County grand jury, and the Commissioners have followed the law regarding the procedures for establishing boundaries to the letter and in the spirit intended. We will be consulting with each other and with our attorneys to consider the next steps in this process.