



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Minutes

OPS-County Operations Committee

Wednesday, December 15, 2021

1:00 PM

Special Called Meeting

*This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available
(1) via live stream on DCTV's webpage,
(2) on DCTVChannel23.TV*

Meeting Started At: 1:02 PM

Attendees: Commissioners Terry, Patrick, Bradshaw, Rader, Davis Johnson

Present 3 - Commissioner Ted Terry, Commissioner Steve Bradshaw, and Commissioner Robert Patrick

I. AGENDA ITEM

Previously Heard Items:

[2021-3276](#) Commission District(s): All Districts
Resolution of the Governing Authority of DeKalb County to request that the members of the DeKalb County Delegation to the Georgia General Assembly Renew The Sales Tax Exemption For Non-Profits For Certain Purposes

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

information provided by Commissioner Rader, Dan Baskerville

-information related to the new sunset date provided by Dan Baskerville

-Question SB: any sense on what the impact would be in terms of lost revenue?

JR: I don't have an estimate; a database may reveal that but we would need to search for that; maybe a survey may help

-M Welch: would it be your desire we revise this item that the sunset be extended? What we have now urges renewal of the sunset provision be included; I would assume you want that to be extended beyond its time frame?

JR: yes

Question TT: Why isn't there a permanent solution to this?

D Baskerville: the first time this was enacted, when the sunset expired, some legislators did not want to keep the sales tax exemption which is why it went away. It had to be reintroduced last year as a result. The argument was that there are lots of struggles going on for businesses in the realm of COVID; the agreement was that this would help with COVID, and then we'll see from there. You're not likely to get tax credits any more than maybe 5 years, but they still want to take a look at them every year.

-SB: Motion to approve with the modification Law mentioned in regard to extending the sunset provision

2021-3279

Commission District(s): All Districts

A Resolution of the Governing Authority of DeKalb County, Georgia, Requesting that the General Assembly Work to Support Legislation that Allow for Clawback Provisions within Municipal Annexation Agreements

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Patrick, Deputy County Attorney Welch

M Welch: The commissioner has requested an inclusion of cost associated with long term planning. We will have the draft ready by Tuesday.

-D Baskerville: in the existing annexation laws, it provides that when the county determines a facility is no longer useable for service the annexing municipality must compensate the County at fair market value, would this be a further refining of that general law to be more specific?

RP: yes that's the intent if the County was to undertake a zoning or planning activity and a city would come along a couple of years later and incorporate; since it was County resources that were used for that activity the County should be reimbursed

-Question TT: This would be used for more broad infrastructure?

RP: I think that would be correct approach.

Question TT: And current law talks about facilities but not necessarily broader investments?

D Baskerville: property or facilities, however there is going to eventually be need for further detail

Question TT: I'd image then at some point there would have to be more descriptive definitions?

D Baskerville: I believe there's enough in the resolution to get started that I can work with the Attorney's office that we can come up with language we can propose to legislative council.

-Motion to approve with a substitute forthcoming

2021-3285

Commission District(s): All Districts

The Governing Authority of DeKalb County Requests The DeKalb Delegation Of The General Assembly Work To Support Legislation Regulating Permission Of Solar Panels Within Homeowners' Associations In The State Of Georgia

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be withdrawn. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-SB: I still believe this agenda item is an overreach; I don't see the state regulating what goes on in HOA communities; I won't be voting yes on this item

-Question TT: does Planning keep a list of neighborhood associations?

Z Williams: I believe so

TT: maybe we could coordinate with Planning on getting some feedback on this SB: that would be helpful and might inform my current posture

-TT: ok we can withdraw this item; we may bring this back

2021-3286

Commission District(s): All Districts

A Resolution of The Governing Authority of DeKalb County Requests The DeKalb Delegation Of The General Assembly Support Legislation That Generates Adequate Funding For Victim Advocate Services in the County Judicial System

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Rader, Deputy Attorney Welch

-Question JR: I would ask the committee to consider this as a substitute for recommendation. As a matter of context, DA Boston told us federal funds for some of this assistance would end up sun setting in the next couple of years; if the state didn't pick up this responsibility it would be at risk of termination or devolve to county governments. The state should be doing this throughout the state.

-Question SB: This substitute conforms with your original intent?

JR: yes, this basically adds more context, the Solicitor's Office as well as DAS have victim assistance programs. It is consistent with the intent of trying to bring the State on board and reflects DA's input.

-SB: Motion to approve the substitute

2021-3287

Commission District(s): All Districts

A Resolution of the Governing Authority of DeKalb County, Georgia to the DeKalb County Delegation of the General Assembly Relating to Management of County Infrastructure Located in Public Rights-of-Way

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be withdrawn. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Dan Baskerville, COO Williams

-Question TT: a portion of the resolution includes sanctions on utility providers for a breach. Do we still need that?

Z Williams: I don't remember the BOC passing a resolution dealing with fines or fees

JR: we have the authority to issue encroachment permits in our right of way. The problem that has been with GDOT is if they don't exert enough managerial authority over those permits they are not very effective in ensuring the quality of work. It is also important the pricing of those encroachments are sufficient to provide comprehensive support and inspection in order to ensure the work is done timely. There may be a need for a performance bond for the holder of the permit. Most of this is within the existing purview of the County, but I'm not sure we've perfected our management of that responsibility. We should look at the level of fees we charge for encroachment of rights of way, and we could hire either a third party contractor or internal staff to address this. Not sure that we need state resolution for this but we do need more attention. We may be able to solve with County effort.

-TT: are we not able to impose fines if that permit wasn't done right? What happens when someone messes up?

M Welch: I don't believe there's anything in the law that would prevent us from doing that. I would have to look back at the policies we have in place. In terms of encroachment permits themselves we would suggest if penalties or fees are authorized that setting warnings or notices be included in those policies. I do agree with the COO and Commissioner Rader's standpoint of believing state action would not be necessary for this.

-Question TT: is this something we could bring to a committee, and Law review those permits and discuss what we do for fines for instances like natural gas, cable, fiber optics companies.

Z Williams: we could have the discussion in this committee or PWI; I would ask Director Pelton present an update on what we've done in the last couple of years, if there needs to be adjustments to the fee structure relative to this issue.

TT: we could work with Central Staff to bring this forward next year in PWI committee

LCJ: I agree; send a request so that we are all on the same page

RP: utility permits are inexpensive; I'd be interested to hear what legal has to say in that regard

-TT: in that case we can recommend withdrawal of this item

2021-3291

Commission District(s): All Districts

A Resolution of The Governing Authority of DeKalb County, Requests The DeKalb Delegation Of The General Assembly Support An Amendment To The Georgia Code, § 35-8-8, To Add Legally Permitted Residents To The Criteria Of Peace Officers In The State of Georgia.

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 2 - Commissioner Terry, and Commissioner Bradshaw

No: 1 - Commissioner Patrick

-information provided by Commissioner Terry, Director Lumpkin

J Lumpkin: From my understanding of the resolution it is asking for expansion of the pool of applicants, we do not oppose that but I also recognize that this particular provision at the General Assembly may be different. Typically to become a citizen it's quicker if applicants have history in US Military Service

-Question LCJ: is this a standing policy in Clarkston that is already in place?

TT: over the years we wanted to hire refugees that had that public safety experience, but the state law did not permit that; this would alter the state law itself. The urge to do it in Clarkston was there.

-LCJ: if this goes to the capitol, there will be a lot of discussion; training is involved as well. There was a study group that was struck to look at issues like immigrants being able to practice medicine since they are accredited in their respective countries. Have you had any dialogue about including policing?

-TT: I am in contact with the Coalition for refugees service agency who does work with the Global Talent Task Force committee; they chose not to introduce the police portion due to concerns over what police reform looks like. The opportunity to bring back this session at that committee is present; it may take another couple of years but it would be good for us to start that dialogue on how it would impact policing in diverse communities such as ours.

-LCJ: I am not surprised they chose not to include this because policing is a more polarizing issue than the medical field at this current time. But I will support what the masses choose here.

-Question SB: I've been trying to support this from the beginning and Director Lumpkin made it clear there's no objection on that end. When the time comes I'll support this item

-RP: as an immigrant to the United States, there is some level of sanctity to citizenship. A green card holder being able to arrest a citizen may be difficult for some to digest; I will not be supporting this.

-TT: I understand commissioner. I would like to move this forward as this may help to recruit officers that represent the community

2021-3475

Commission District(s): All Districts

A Resolution of The Governing Authority of DeKalb County, requesting the DeKalb Delegation of the General Assembly convene a Study Committee to Review Public Health Taxation Reform

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended holding in committee to the OPS-County Operations Committee. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by John Manson, BOC Policy Analyst

-LCJ: out of the ACCG conference, the need for this review was one of the main items that was brought forward. Does this strengthen what has already been requested as a state-wide priority?

D Baskerville: this could be something that's part of that larger discussion. Funding is a huge issue; this is looking at another source of funds.

-information provided by Dr. Obeng

-LCJ: the language needs to be massaged so that it's clear that we would create another taxation vehicle; taxation reform doesn't speak to the development of a taxation tool

-The committee requests staff forward legislation from Jackson County, MO be circulated to the committee

New Agenda Items:

2021-3530 Commission District(s): All Districts
A Resolution Of The Governing Authority Of DeKalb County, Georgia To The General Proposing A County Organizational Act Amendment To Ensure, And Eliminate Impediments To, Establishment, By Ordinance, Of A Transparent And Efficient County Procurement System

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be recommended holding in committee to the OPS-County Operations Committee, due back on 1/4/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Rader

-Question SB: how would this alter what we were presented with last year?

JR: it is the same as what was put forward last year. Commissioner Johnson advocated against it because the administration didn't believe it was necessary.

-Question TT: when were those changes made by the delegation?

JR: that was probably 2014

-RP: what is your guidance on the process needed to move forward?

JR: It's a 2 part process. The General Assembly would have to approve an amendment of the Organization Act, and the amendment to the Organization Act would have to be changed via referendum. That's the way you have to change the Organization Act if it affects the power of the CEO

TT: so this item is more for posterity would help with establishing a baseline of what any CEO of DeKalb County can and cannot do.

JR: That is correct.

SB: I am fine withholding this item but I'm not prepared to put forward an affirmative motion at this time.

RP: I'd also like a little more time to think on this myself

TT: okay we can hold this item and bring it back in January

2021-3531 Commission District(s): All Districts
A Resolution of the Governing Authority of DeKalb County, Georgia to the DeKalb County Delegation of the General Assembly to Amend the DeKalb County Organizational Act Section 13A to Allow the Board of Commissioners to make Appointments after a 90 Day Period

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended holding in committee to the OPS-County Operations Committee, due back on 2/1/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry, Commissioner Rader

-TT: what are your thoughts on positions that are currently filled and their term is expired, but they have not been reconfirmed?

JR: that is a vacancy; what this would anticipate is the CEO would make reappointment or new appointment at expiration of the prior term

-LCJ: I want to see that business is conducted and we are moving forward progressive; I want us to view this from the standpoint on what is best for the county. It is not good that we don't have provisions that there is an automatic trigger in place. I would also ask who would be responsible? Maybe we need to bring to the meeting to better understand who is in charge of the process. Whose job is it to monitor the process, be on top of the appointments, prior to expiration of the appointment bring it to the attention of the individual so that action can be taken?

Z Williams: traditionally it has been handled out of the CEO's office

-SB: to Zach, what's the status of the appointment process now? Is there a sense of how many are in unexpired terms and how many vacancies there are. My second question to Commissioner Rader, regarding the 90 day period, does this anticipate a process whereby the commissioners would consider nominations

Z Williams: I don't have a scope, I know the land bank needs review but I do not have the full information at this time

-JR: off the top of my head; The Housing Authority, majority of seats on the Development Authority, the MARTA board needs a new reappointment, Joint Development authorities including DeKalb and Gwinnet which is operating under appointments from decades ago.

-Question SB: based on the Org Act, a construct exists to deal with this; does this legislation provide an enforcement mechanism?

-JR: the enforcement mechanism is shifting of the responsibility

-Question SB: has that situation played itself out in your time here?

JR: there was an instance with a nominee to the development authority, where the Board of Commissioners voted down, then the CEO was more solicitous to the needs of that authority. At the time there was a notion that the second nominee would get turned down and if that happened the Board of Commissioners would then get a chance to nominate.

-SB: as a general proposition, I have a reaction against things that seek to re-jigger the balance of power. Regarding these items, some of the need for going down this path is self-induced because of a lack of action.

-LCJ: this is not a shifting of power, it is an outcry of action. Mr. Williams please report back to the BOC on vacant appointments, terms that may have been expired at this time that are 13A. My issue is ensuring we are operating properly and we have individuals in place. There's a detachment between practice and theory; in theory the Org Act lays out a process, but in practice we are having these issues.

-MDJ: we've been talking about this for a while. Dr. Obeng needs to bring to us appointments that are not made by commissioners, and terms that have expired and not reappointed. So that we can both bring this back and we can move forward with recommendations. We need to make appointments on all fronts. I'd like to get something back from Dr. Obeng to see if any commission spots have not been filled or renewed as necessary.

-TT: the intent of me bringing this back was starting the conversation on being proactive, and how can we as a governing authority recruit the best talent for public service? I amended this one from 90 days because I believed more time was needed; but we can find solutions without changing the balance of power. There are around 49 committees but not all meet due to lack of staff or lack of productivity.

Z Williams: regarding a sun setting process, we don't currently have; we would look at all these committees we have, and maybe there could be committees that are sun setted or combined. Maybe in 2022 the administration, commission, clerk, could work through this to understand what can be sunset or combined. I would prefer we create a comprehensive discussion on this process and sun setting

-SB: to that effect what is required is a point-person. There is no one charged with that responsibility. I would suggest appointing a czar to look at this and get on top of it.

Z Williams: I will have that conversation with the CEO. Maybe myself and Barbara be part of that

TT: I would suggest Dr. Obeng be a part of this as well

Z Williams: maybe we could do recruitment for these boards just like we do staff positions

-RP: from my experience at the municipal level, sometimes it is difficult to find capable people to fulfill those boards. It's hard to read temperance in a resume as well. You want to have a solution but a solution that doesn't tie hands. With the 90 day calendar, what if we are in another calendar. 90 days may throw something on the agenda that may not be appropriate at that time depending on the scenario. 90 days does seem appropriate on one hand, but with some issues it may not be adequate. We may need to take another look at the time frame, taking a look at vacancies, and boards that are not constituted.

-Question TT: this seems to be OPS committee focused

-RP: Motion to hold until first meeting in February for OPS

2021-3532 Commission District(s): All Districts
A Resolution Of The Governing Authority Of DeKalb County Georgia
To The General Assembly Relating To The Creation Of A Charter
Review Commission To Study And Make Recommendations On The
Governance Structure of DeKalb County

MOTION was made by Robert Patrick, seconded by Steve Bradshaw, that this agenda item be recommended holding in committee to the OPS-County Operations Committee, due back on 2/1/2022. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

-information provided by Commissioner Terry

-Question SB: where does this stand?

Z Williams: my last conversation recognizes we had push back on the timeline based on what has happened, and the CEO had that conversation with the charter review committee, to extend another year. As he explained to that committee, unfortunately add-ons like this did slow due to the chair resigning and other issues. The CEO has the intent to issue an executive order to extend it

-Question SB: would the appointment of a new chair be included?

Z Williams: if that is what's required for them to act/meet. Whatever it takes is what he is willing to make happen.

-Question RP: from a logistics standpoint, by March 1 if someone is appointed, what would be our next steps with the General Assembly?

TT: I don't believe we should have 2 separate commissions

-MDJ: anytime you charge the delegation to do what we can do, we are not recognizing there may be unintended consequences to that. If we could put something in place that gives us a deadline or can modify what the executive order would be, it would be in our best interest to move forward on that, rather than making an uninformed decision to give the delegation something to automatic trigger that we have not already explored the consequences. Let's talk through this like we talked through the appointments item; if not resolved, then let's take action. The pandemic jumped on us and forced us into ways that we wouldn't have done otherwise.

-Z Williams: to my understanding Commissioner Bradshaw, that appointment is forthcoming

SB: if the only thing keeping this construct is an appointment forthcoming, let's let this play out. I'm not apt to say aye to this legislation today. I just want this to work.

-TT: I'm good with holding on to this; the message of this is forthcoming is something we've heard throughout the year

-SB: we can deal with this in February if no action has been done

-RP: Motion to hold until first OPS meeting in February

Meeting Ended At: 2:55 PM

MOTION was made by Steve Bradshaw, seconded by Robert Patrick, that this agenda item be adjourned meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Terry, Commissioner Bradshaw, and Commissioner Patrick

Barbara H. Sanders-Norwood CCC, CMC