

# **BYLAWS OF THE DEKALB COUNTY CHARTER REVIEW COMMISSION**

## **ARTICLE I Name**

This organization, created by Executive Order No. 2019-001 (as revised December 19, 2020) and confirmed and further revised by Executive Order No. 2021-001 (issued March 18, 2021) (“2021 Executive Order”) shall be known as the DeKalb County Charter Review Commission and shall be composed of 17 citizens of DeKalb County appointed according to the 2021 Executive Order.

## **ARTICLE II Purpose, Goals and Definition**

The purpose of the DeKalb County Charter Review Commission (the “Commission”) is to complete a comprehensive review of the Organizational Act of DeKalb County (“Organizational Act”) in order to:

- a. ensure that the government of DeKalb County is representative of all citizens of DeKalb County;
- b. ensure that it is responsive to the needs and demands of all citizens of DeKalb County;
- c. harmonize all parts of the Organizational Act;
- d. review the Organizational Act in light of the impact of the ongoing COVID-19 pandemic and its impacts on County operations in order to: (1) identify potential enhancements and improvements in service delivery or operational structure and (2) ensure DeKalb County will be responsive and effective when operating during any future emergency conditions; and
- e. recommend changes to the Organizational Act, including recommending the appropriate form of government for DeKalb County, in order to achieve the most efficient and effective delivery of services to the citizens of DeKalb County possible.

For the purposes of these bylaws, the term “Charter” shall mean the Organizational Act. The Organizational Act is that act of the General Assembly of the State of Georgia organizing DeKalb County’s governing authority approved March 8, 1956, as superseded and consolidated by 1981 Ga. Laws, p. 4304, as amended.

## **ARTICLE III**

### **Officers**

#### **Section 1:     Officers Designated**

There shall be the following Officers of the Commission:

- a. Chairperson, appointed by the Chief Executive Officer;
- b. Vice Chairperson, appointed by the Chief Executive Officer;
- c. Secretary, elected by the Commission;
- d. Assistant Secretary, who may be a person other than a member of the Commission, elected or appointed by the Commission; and
- e. Other officers the Commission deems necessary elected by the Commission

#### **Section 2: Duties of the Chairperson**

The Chairperson shall:

- a. Preside at all regular and special meetings of the Commission;
- b. Set the agendas for all regular and specially called meetings of the Commission in accordance with the applicable requirements of these bylaws and law;
- c. Represent the Commission at all functions and activities so required (but without authority to state any position of the Commission not previously approved);
- d. Serve as ex-officio (non-voting) member of all committees;
- e. Make all committees assignments and appoint all chairs of such committees;
- f. Call special meetings where necessary or required;
- g. Coordinate publicity; and
- h. Enforce time limits on remarks of interested citizens in accordance with rules approved by the Commission as needed.

#### **Section 3:     Duties of the Vice Chairperson**

The Vice Chairperson shall perform the duties of the Chairperson in the absence or inability of the Chairperson to serve including any period during which the office of Chair is vacant.

#### **Section 4:     Duties of the Secretary**

The Secretary shall:

- a. Prepare agendas set by the Chairperson for all regular and specially called meetings in accordance with these bylaws;
- b. Review draft minutes prepared by the Assistant Secretary;

- c. Submit draft minutes to the Commission for approval; and
- d. Perform other duties as prescribed by the Chairperson or the Commission.

Section 5: Duties of the Assistant Secretary

The Assistant Secretary shall:

- a. Be custodian of all records of the Commission;
- b. Maintain an attendance roster;
- c. Record meetings of the Commission as provided by these bylaws;
- d. Prepare draft minutes of all meetings subject to approval of the Commission;
- e. Make records available to the public as required by these bylaws and by state law;
- f. Post notices, agendas and summaries of meetings as required by law; and
- g. Perform other duties as prescribed by the Chairperson, the Secretary or the Commission.

**ARTICLE IV**  
**Meetings**

Section 1: Public Meetings and Hearings

All meetings and hearings of the Commission, including all meetings of its committees, shall be open to the public. Notice of the date, time, and place of said meetings and hearings shall be made available to the public in advance of the meetings by posting upon the Commission's website and any other usual means of notice as provided by the county governing authority in accordance with state law.

Section 2: Citizen Participation at Meetings and Hearings

The Commission shall entertain public comment which is germane to agenda items at all meetings and hearings of the Commission. Citizens of DeKalb County who attend such meetings or hearings shall be given the opportunity to comment on agenda items at the time so designated for citizen remarks on each agenda. Rules and procedures for citizen participation at meetings or hearings, including reasonable limitations on time allocated for individual citizen remarks or the total time allotted to citizen remarks, may be established at the discretion of the chair or by action of the Commission.

Section 3: Place of Meetings and Hearings

The regular meetings and public hearings of the Commission shall be at a place designated by the Commission Chairperson. In accordance with the 2021 Executive Order No. 2021-001, at least one public hearing shall be held in each county commissioner district. The



Commission may also resolve to hold meetings at other locations. The meetings or hearings of the Commission should be at a meeting place large enough to accommodate not only the Commission or any committee, as the case may be, but also interested citizens. The meeting place chosen shall be open and accessible, and free of any admission charge or similar restrictions to the public. In accordance with the DeKalb County Chief Executive Officer's declarations concerning the ongoing Public Health Emergency, meetings may be held virtually, subject to the same rules and procedures as in person meetings.

#### Section 4: Call and Notice of Meetings

Date, time, and place of each regular meeting of the Commission shall be announced at the preceding regular or special meetings of the Commission and shall be posted in the manner prescribed by state law. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting.

Special meetings may be called by the Chairperson or by a majority of the Commission members requesting such special meeting in writing and delivered to the Chairperson.

Notice of special meetings of the Commission and meetings of any committee shall be given in the same manner as notice of regular meetings, except that the notice of a special meeting shall include the purpose for the call of such special meeting.

#### Section 5: Schedule of Meetings

The Chairperson shall propose a schedule for future regular meetings to the Commission for consideration and approval. The initial schedule shall cover a period of at least six months and shall be extended and updated on a rolling monthly basis.

#### Section 6: Meeting Agendas

a. Posting Agendas. Prior to a meeting of the Commission or of any committee, an agenda of all matters expected to come before the Commission or committee at such meeting shall be posted and made available to the public as required by state law.

b. Agenda for Regular Meetings. The agenda shall be set by the Chairperson subject to amendment and revision by official action of the Commission. The agenda shall be consistent with any plan of work approved by the Commission pursuant to these bylaws. The agenda for regular meetings of the Commission shall be generally as follows, subject to amendment or revision by the Chairperson or a majority of the members present:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Introduction of Invited Guest (if any) and Their Presentations

- V. Report of Chairperson
- VI. Reports of Committees (if any)
- VII. Unfinished Business
- VIII. New Business
- IX. Remarks of Interested Citizens (with a defined time limitation)
- X. Adjournment with Day Fixed for Next Meeting

Section 7: Recording of Meetings

Regular meetings of the Commission shall be recorded and made available for on-demand viewing on the DeKalb County website and on any website of the Commission.

Section 8: Minutes

The minutes of all Commission meetings shall be promptly prepared and preserved as required by law. Minutes must, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes including the name of each person making and seconding motions, and the names of each person voting for and against each proposal. Minutes of the Commission must be made available to the public once they are approved by the Commission or immediately following the next regular meeting whichever comes first. All records of the Commission, including the recordings of meetings and approved minutes, shall be made available to the public during normal office hours, and posted on the County or Commission website. Minutes of committee proceedings shall be prepared and approved no later than the next subsequent meeting of the Commission. Reports or other work products of the Commission or any committee of the Commission shall be attached to and included with the minutes or incorporated by reference to an alternate location approved by the Commission. The Chairperson, or the Commission by official action, may request that a verbatim record of any proceeding before the Commission be made. Such a request is in addition to other requirements of this Section.

Section 9: Summary of Meetings

A summary of the subjects acted on and those members present at a meeting of the Commission or any committee shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.

## **ARTICLE V**

### **Voting; Quorum**

Section 1. Voting Generally

Each member present shall vote, unless a conflict of interest exists, in which case said conflict shall be publicly stated prior to the vote and filed in writing with the Chair.



Section 2. Commission Quorum; Voting

Eight (8) members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those members present and voting shall be required to agree to any procedural motion. The affirmative vote of seven (7) members shall be required to agree to any substantive motion except relative to the Final Report of the Commission. To the extent the Final Report proposes to add, eliminate, modify or change any provision of the Organizational Act, an affirmative vote of at least ten (10) members of the Commission is required to agree to any such proposals.

As used in these bylaws, the term "official action of the Commission" means the affirmative vote of members of the commission as described in the previous paragraph.

Section 3. Committees: Quorum; Voting

A majority of the members of any committee of the Commission shall constitute a quorum for the transaction of business, and a majority of those present shall be sufficient to agree to any motion.

Section 4. Proxy Voting/Remote Participation

No member of the Commission or any of its committees shall have the power to vote by proxy. Only those members physically present, or present via web/telephone as authorized by executive order, law, or by these bylaws, shall be entitled to vote.

**ARTICLE VI**  
**Participation; Resignations; Vacancies**

Section 1. Attendance; Resignation; Vacancies

Regular attendance and attention to the business of the Commission is expected. Any member may resign by providing written notice to the Chairperson. The seat of any member who fails to attend three consecutive regular meetings, without good cause, shall become vacant. The Secretary shall report the fact that a vacancy exists to the entity or other official who appointed the member.

Section 2. Filling Vacancies

The entity or official that made the official appointment shall fill the vacancy in the same manner as the original appointment. If that entity or official fails to fill the vacancy within 20 business days from the written notice, the CEO shall fill the vacancy.

## **ARTICLE VII Committees**

### **Section 1.    Creation; Appointment**

The Chairperson or the Commission by official action may create committees and subcommittees as deemed necessary and appropriate to plan and administer ministerial functions of the Commission, or to investigate, make recommendations, and report to the full Commission on studies of specific departments or functions of the existing or proposed government, or for any other lawful purpose. Members of committees shall be appointed by the Chairperson in accordance with Article III, Section 2 of these by laws.

### **Section 2.    Authority**

No committee shall have any final authority to make decisions on behalf of or represent the full Commission.

## **ARTICLE VIII Rules of Order and Conflicting Provisions**

### **Section 1.    Rules of Order**

Except as otherwise provided in these by laws, Roberts Rules of Order shall apply to all deliberations of the Commission and its committees including resolution of any procedural conflict.

### **Section 2.    Conflicting Provisions**

To the extent any conflict may exist between the terms of these bylaws and the terms of the 2021 Executive Order, the terms of the 2021 Executive Order shall control. To the extent any conflict may exist between the terms of these bylaws and applicable state law, the provisions of applicable state law govern.

## **ARTICLE IX Plan of Work**

A list of issues to be studied and reviewed by the Commission shall be identified along with a schedule for doing so. A Plan of Work Committee may be created by the Chairperson for the purpose of facilitating development of an initial and any amended list of issues and for preparing a meeting schedule for studying and reviewing the issues. Interested citizens may suggest issues through a member of the Commission, who shall identify the interested citizen by name and address. Any issue may be stricken from further consideration by official action of the Commission.

## **ARTICLE X Final Report**

### **Section 1.     Final Report; Approval**

After all research, data, preliminary reports, and interested citizen comments are taken into consideration, the Commission shall prepare a Final Report. The Final Report shall contain the final written recommendations of the Commission to include the appropriate form of government for DeKalb County and any proposed amendments to the Organizational Act including recommended text for such amendments. The Final Report may also include proposed amendments to state or local law or the ordinances of DeKalb County appropriate to further the purpose and goals of the Commission. Proposed recommendations and amendments shall be approved for inclusion in the Report by affirmative vote of a majority of the members of the Commission present and voting except that any recommendation to add, eliminate, modify or change any provision of the Organizational Act must be approved by at least ten (10) members of the Commission.

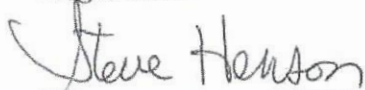
### **Section 2.     Transmittal**

Upon approval, the Commission shall submit the Final Report containing its final written recommendations to the Chief Executive Officer, Board of Commissioners of DeKalb County, DeKalb County legislative delegation, Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate State and Local Government Operations Committee and the House Governmental Affairs Committee.

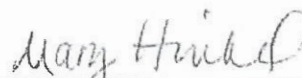
## **ARTICLE XI Amendments**

These rules and policies shall be the bylaws of the Commission and may be amended by an advance notice and an affirmative vote of 10 of the members of the Commission present and voting. Notice of such amendment(s) shall be submitted at the immediately preceding regular meeting, and the vote to amend shall take place at the next regular or special meeting.

So adopted by the DeKalb Charter Review Commission this 4th day of August 2022.



Steve Henson  
Chairperson



Mary Hinkel  
Secretary